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FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT OF 1989

HEARING
BEFORE THE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
RESEARCH, AND FOREIGN AGRICULTURE
OF THE
COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIRST CONGRESS
SECOND SESSION
ON
H.R. 3270

JULY 17, 1990

Serial No. 101-62



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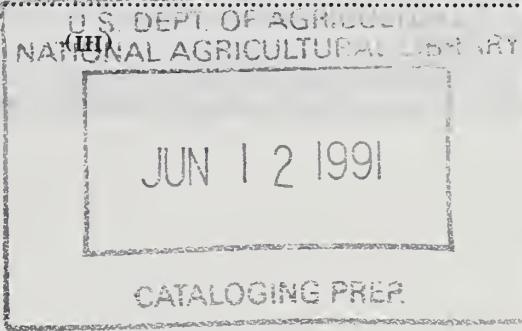
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FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT OF 1989

TUESDAY, JULY 17, 1990

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
RESEARCH, AND FOREIGN AGRICULTURE,
COMMITTEE ON AGRICULTURE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:35 a.m., in room 1302, Longworth House Office Building, Hon. George E. Brown, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Rose, Stenholm, Glickman, Olin, Volkmmer, Jontz, Coleman, Morrison, Grandy, and Walsh.

Staff present: Daniel E. Brinza, chief counsel; Joseph Muldoon, assistant counsel; John E. Hogan, minority counsel; Alice Devine, minority associate counsel; Glenda L. Temple, clerk; William A. Stiles, Jr., Malcolm A. Kram, James A. Davis, and John J. Aguirre,

OPENING STATEMENT OF HON. GEORGE E. BROWN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. BROWN. The subcommittee will come to order.

We have a considerable amount of business before us this morning, and we'd like to move along expeditiously. This morning the subcommittee is going to hear testimony on the Farm Animal and Research Facilities Protection Act of 1989, and it is by Mr. Stenholm, our respected colleague from Texas. There's no question that vandalism, theft, and destruction of property as well as the unauthorized release of animals from both biomedical research and agricultural facilities is an issue affecting the health and well-being of our entire Nation.

The U.S. Department of Justice, in its 1989 report, "Terrorism in the United States," clearly states that the Animal Liberation Front, a domestic terrorist organization, is believed to be responsible for approximately 100 criminal acts in this country since 1982. The report further adds that, "There's no indication that these acts will soon end."

The dilemma that we face today is to decide, in light of the testimony, whether the intent of this proposed legislation will provide the tools necessary to alleviate this problem. In testimony at the February 28, 1990, joint hearing of this subcommittee and the Subcommittee on Livestock, Dairy, and Poultry on animal facility protection, we heard a need expressed by local and State officials for help in the investigation and prosecution of these crimes.

We also heard from the Department of Justice that the problem does not lie in insufficient Federal statutes but in enforcement priorities. Cases of a less egregious nature will be automatically referred back to State and local authorities under the U.S. attorney's right of prosecutorial discretion. Major incidents, such as occurred at the University of California at Davis, Texas Tech University at Lubbock, and the University of Arizona at Tucson are being investigated by Federal authorities under present statute.

Today we must ask our witnesses how H.R. 3270 will enhance present statutes and increase the involvement of Federal authorities in investigating and prosecuting cases of this nature. We must determine the effect of the bill in elevating priorities, we must ask if H.R. 3270 will provide for the additional resources needed, and will the true action of H.R. 3270 only be to raise the morale of those researchers and farmers being plagued by these illegal actions?

This is a matter which is of extreme importance to a large number of people with various points of view, and it's important that we try and elucidate what the appropriate course of action by the Congress is, and having said that, I'm going to invite my colleagues to make any such brief opening statements as they might wish at this point.

[The prepared statement of Mr. Brown, H.R. 3270, and the report from the U.S. Department of Agriculture follow:]

Opening Statement
of
George E. Brown, Jr., Chairman
Subcommittee on Department Operations, Research, and Foreign
Agriculture,
Hearing on the "Farm Animal And Research Facilities Protection
Act of 1990" , H.R. 3270

This morning the Subcommittee will hear testimony on the "Farm Animal And Research Facilities Protection Act of 1990" introduced by Mr. Stenholm, my respected colleague from Texas. There is no question that vandalism, theft, and destruction of property as well as the unauthorized release of animals from both biomedical research and agricultural facilities is an issue affecting the health and well being of our entire nation. The U.S. Department of Justice in its 1989 report "Terrorism in the United States" clearly states that the Animal Liberation Front, a domestic terrorist organization, "is believed to be responsible for approximately 100 criminal acts in this country" since 1982. The report further adds that "there is no indication that these acts will soon end."

The dilemma that we face today is to decide in light of the testimony to be heard whether the intent of this proposed legislation will provide the tools necessary to alleviate this problem. In testimony at the February 28, 1990, joint hearing of our Subcommittee and the Subcommittee on Livestock, Dairy, and Poultry on animal facility protection we heard a need by local and state officials for help in the investigation and prosecution of these crimes. We also heard from the Department of Justice

that the problem does not lie in insufficient federal statutes but in enforcement priorities. Cases of a less egregious nature will be automatically referred back to state and local authorities under the U.S. Attorney's right of prosecutorial discretion. Major incidents such as occurred at University of California- Davis, Texas Tech University- Lubbock, and the University of Arizona- Tucson are being investigated by federal authorities under present statute.

Today we must ask our witnesses how H.R. 3270 will enhance present statutes and increase the involvement of federal authorities in investigating and prosecuting cases of this nature? We must determine the effect of H.R. 3270 in elevating priorities of this issue so that prosecutorial discretion will not cause the referral back to local and state authorities. We must ask if H.R. 3270 will provide for the additional resources necessary to enforce this act? Will the true action of H.R. 3270 only be to raise the morale of those researchers and farmers being plagued by these illegal actions? Finally, we must ask whether H.R. 3270 will provide protection for those who legitimately expose acts of inhumane treatment of animals or in fact will this bill give greater protection to those few who fail to treat animals with the care and competence they deserve?

We have a difficult and important task before us in this hearing and the mark-up which will immediately follow. I would urge all members to take advantage of this hearing and the opportunity to explore this issue with today's witnesses.

101ST CONGRESS
1ST SESSION

H. R. 3270

Entitled the "Farm Animal and Research Facilities Protection Act of 1989".

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1989

Mr. STENHOLM (for himself, Mr. DE LA GARZA, Mr. MADIGAN, Mr. HUCKABY, Mr. COLEMAN of Missouri, Mr. GLICKMAN, Mr. MARLENEE, Mr. VOLKMER, Mr. STANGELAND, Mr. HATCHER, Mr. ROBERTS, Mr. TALLON, Mr. EMERSON, Mr. STAGGERS, Mr. MORRISON of Washington, Mr. OLIN, Mr. GUNDERSON, Mr. PENNY, Mr. LEWIS of Florida, Mr. STALLINGS, Mr. ROBERT F. SMITH, Mr. NAGLE, Mr. COMBEST, Mr. JONTZ, Mr. SCHUETTE, Mr. JOHNSON of South Dakota, Mr. GRANDY, Mr. HARRIS, Mr. HERGER, Mr. CAMPBELL of Colorado, Mr. HOLLOWAY, Mr. ESPY, Mr. WALSH, Mr. SAR-PALIUS, Mr. GRANT, Ms. LONG, Mr. DYSON, Mr. LANCASTER, Mr. WATKINS, Mr. KOLBE, Mr. WEBER, Mr. STUMP, Mr. THOMAS of Georgia, Mr. RICHARDSON, Mrs. SMITH of Nebraska, and Mr. HAMMERSCHMIDT) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

Entitled the "Farm Animal and Research Facilities Protection Act of 1989".

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. AMENDMENTS TO THE FOOD SECURITY ACT OF
2 1985.

3 Title XIV of the Food Security Act of 1985 (Public
4 Law 99-198) is amended by adding the following new sub-
5 title:

6 "Subtitle D—Protection of Farm Animal and Research
7 Facilities

8 "SHORT TITLE

9 "SECTION 1481. This substitute may be cited as the
10 'Farm Animal and Research Facilities Protection Act of
11 1989'.

12 "FINDINGS

13 "SEC. 1482. Congress finds that—

14 "(1) the caring, rearing, feeding, breeding, and
15 sale of animals and animal products, and the use of
16 animals in research and education, represents vital seg-
17 ments of the economy of the nation and is important to
18 the Nation's well-being;

19 "(2) producers and others involved in the produc-
20 tion and sale of animals and animal products and the
21 use of animals in research and education have a vested
22 interest in protecting the health and welfare of
23 animals;

24 "(3) there has been an increasing number of ille-
25 gal acts committed against farm animal and research
26 facilities;

1 “(4) these illegal acts threaten the production of
2 agricultural products and substantially damage research
3 and education;

4 “(5) these illegal acts interfere with the property
5 rights of the owner of the facility and threaten the con-
6 tinued availability of the nation's food supply;

7 “(6) these illegal acts can also damage the public
8 interest by jeopardizing crucial research;

9 “(7) these illegal acts damage federally funded re-
10 search; and

11 “(8) Federal protection of the farm animal and re-
12 search facilities is necessary to prevent and eliminate
13 burdens on commerce.

14 “DEFINITIONS

15 “SEC. 1483. As used in this subtitle—

16 “(1) The term ‘animal’ means any warm or cold-
17 blooded animal used in food or fiber production, agri-
18 culture, research, testing, or education including poul-
19 try, fish, and insects.

20 “(2) The term ‘animal facility’ includes any vehi-
21 cle, building, structure, or premises, where an animal
22 is kept, handled, housed, exhibited, bred, or offered for
23 sale.

24 “(3) The term ‘consent’ means assent in fact,
25 whether express or apparent.

26 “(4) The term ‘deprive’ means—

1 “(A) to withhold an animal or other property
2 from the owner permanently or for so extended a
3 period of time that a major portion of the value or
4 enjoyment of the animal or property is lost to the
5 owner;

6 “(B) to restore the animal or other property
7 only upon payment of reward or other compensa-
8 tion; or

9 “(C) to dispose of an animal or other proper-
10 ty in a manner that makes recovery of the animal
11 or property by the owner unlikely.

12 “(5) The term ‘effective consent’ includes consent
13 by a person legally authorized to act for the owner.
14 Consent is not effective if—

15 “(A) induced by force, threat, false pretenses,
16 or fraud;

17 “(B) given by a person the actor knows is
18 not legally authorized to act for the owner;

19 “(C) given by a person who by reason of
20 youth, mental disease or defect, or intoxication is
21 known by the actor to be unable to make reasona-
22 ble decisions; or

23 “(D) given solely to detect the commission of
24 an offense.

1 “(6) The term ‘owner’ means a person who has
2 title to the property, possession of the property, whether
3 lawful or not, or a greater right to possession of the
4 property than the actor.

5 “(7) The term ‘person’ means any individual, cor-
6 poration, association, nonprofit corporation, joint stock
7 company, firm, trust, partnership, two or more persons
8 having a joint or common interest, or other legal
9 entity.

“(8) The term ‘possession’ means actual care, custody, control, or management.

12 “(9) The term ‘Secretary’ means the Secretary of
13 Agriculture.

14 “(10) The term ‘State’ means any State of the
15 United States, the District of Columbia, the Common-
16 wealth of Puerto Rico, the American Virgin Islands,
17 Guam, American Samoa, or any other territory or pos-
18 session of the United States.

"PROHIBITED ACTS

20 "SEC. 1484. (a) A person commits an offense if, without
21 the effective consent of the owner, the person acquires or
22 otherwise exercises control over an animal facility, an animal
23 from an animal facility, or other property from an animal
24 facility, with the intent to deprive the owner of such facility,
25 animal, or property and to disrupt or damage the enterprise
26 conducted at the animal facility.

1 “(b) A person commits an offense if, without the effec-
2 tive consent of the owner and with the intent to disrupt or
3 damage the enterprise conducted at the animal facility, the
4 person damages or destroys an animal facility or any animal
5 or property in or on an animal facility.

6 “(c) A person commits an offense if, without the effec-
7 tive consent of the owner and with the intent to disrupt or
8 damage the enterprise conducted at the animal facility, the
9 person—

10 “(1) enters an animal facility, not then open to
11 the public, with intent to commit an act prohibited by
12 this section;

13 “(2) remains concealed, with intent to commit an
14 act prohibited by this section, in an animal facility; or

15 “(3) enters an animal facility and commits or at-
16 tempts to commit an act prohibited by this section.

17 “(d)(1) A person commits an offense if, without the ef-
18 fective consent of the owner and with the intent to disrupt or
19 damage the enterprise conducted at the animal facility, the
20 person enters or remains on an animal facility, and the
21 person—

22 “(A) had notice that the entry was forbidden; or

23 “(B) received notice to depart but failed to do so.

24 “(2) For purposes of this subsection ‘notice’ means—

1 “(A) oral or written communication by the owner
2 or someone with apparent authority to act for the
3 owner;

4 “(B) fencing or other enclosure obviously designed
5 to exclude intruders or to contain animals; or

6 “(C) a sign or signs posted on the property or at
7 the entrance to the building, reasonably likely to come
8 to the attention of intruders, indicating that entry is
9 forbidden.

10 “PENALTIES

11 “SEC. 1485. (a) A person adjudged guilty of an offense
12 under section 1484(a), 1484(b), or 1484(c) shall be punished
13 by—

14 “(1) a fine not to exceed \$10,000;

15 “(2) imprisonment for a term not to exceed three
16 years; or

17 “(3) both such fine and imprisonment.

18 “(b) A person adjudged guilty of an offense under sec-
19 tion 1484(d) shall be punished by—

20 “(1) a fine not to exceed \$1,000;

21 “(2) imprisonment for a term not to exceed one
22 year; or

23 “(3) both such fine and imprisonment.

24 “(c) In addition to any sentence that may be imposed by
25 this section, a person that has been adjudged guilty of an
26 offense under this subtitle may be ordered by the court to

1 give notice of the conviction to any person the court deems
2 appropriate.

3 **"INVESTIGATION OF VIOLATIONS BY THE SECRETARY**

4 **"SEC. 1486. For purposes of enforcing the provisions of**
5 **this subtitle, the Secretary—**

6 "(1) may investigate any offense under this sub-
7 title;

8 "(2) may seek the assistance of any law enforce-
9 ment agency of the United States or any State or local
10 government in the conduct of such investigations; and

11 "(3) shall coordinate such investigation, to the
12 maximum extent practicable, with the investigations of
13 any law enforcement agency of the United States or
14 any State and local government.

15 **"COURT JURISDICTION**

16 **"SEC. 1487. The district courts of the United States,**
17 **the District Court of Guam, the District Court of the Ameri-**
18 **can Virgin Islands, the Highest Court of American Samoa,**
19 **and the United States courts of other territories shall have**
20 **jurisdiction—**

21 "(1) specifically to enforce, and to prevent and re-
22 strain a person from violating, this subtitle; and

23 "(2) over any other kinds of cases arising under
24 this subtitle.

1 **"PRIVATE RIGHT OF ACTION**

2 "SEC. 1488. (a) Any person who has been damaged by
3 reason of a violation of this subtitle may recover all actual
4 and consequential damages and court costs, including reason-
5 able attorneys' fees, from the person causing such damage.

6 "(b) Nothing in this subtitle shall be construed to affect
7 any other rights of a person who has been damaged by reason
8 of a violation of this subtitle. Subsection (a) of this section
9 shall not be construed to limit the exercise of any such rights
10 arising out of or relating to a violation of section 1484 of this
11 subtitle.

12 **"EFFECT ON STATE LAWS**

13 "SEC. 1489. Nothing in this subtitle shall be construed
14 or interpreted to preempt, limit, restrict, or otherwise affect
15 any state law or regulation.".

16 **SEC. 2. AMENDMENTS TO THE TABLE OF CONTENTS.**

17 The table of contents in section 2 of the Food Security
18 Act of 1985 is amended by adding after "Sec. 1471. Effec-
19 tive date." the following:

"Subtitle D—Protection of Farm Animal and Research Facilities

- "Sec. 1481. Short title.
- "Sec. 1482. Findings.
- "Sec. 1483. Definitions.
- "Sec. 1484. Prohibited acts.
- "Sec. 1485. Penalties.
- "Sec. 1486. Investigation of violations by the Secretary.
- "Sec. 1487. Court jurisdiction.
- "Sec. 1488. Private right of action.
- "Sec. 1489. Effect on State laws.".



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

June 14 1990

The Honorable E (Kika) de la Garza
Chairman, Committee on Agriculture
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Agriculture (USDA) on H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989."

Although the Department supports the Congress' efforts to protect farm animal and research facilities, we do not support enactment of H.R. 3270.

H.R. 3270 seeks to prevent, deter, and penalize illegal acts committed against animal facilities, including any "vehicle, building, structure, or premises, where an animal is kept, handled, housed, exhibited, bred, or offered for sale." Animal is defined to mean, "any warm or cold-blooded animal used in food or fiber production, agriculture, research, testing, or education including poultry, fish, and insects."

The bill amends Title XIV of the Food Security Act of 1985 (P.L. 99-198) by prohibiting a person from: (1) acquiring or exercising control over an animal, animal facility, or property from an animal facility without the consent of the owner; (2) damaging or destroying an animal, animal facility, or property from an animal facility without the consent of the owner; and (3) entering or remaining concealed in an animal facility to commit a prohibited act or with the intent to commit a prohibited act without the consent of the owner. The bill authorizes penalties of up to \$10,000 and imprisonment of up to 3 years for committing a prohibited act. In addition to the penalties, the bill also ensures a private right of action for any person damaged through a violation. Finally, H.R. 3270 authorizes the Secretary of Agriculture to investigate any offense; seek the assistance of any local, State, or Federal law enforcement agency in conducting an investigation; and coordinate any investigation with local, State or Federal law enforcement agencies.

The Department's Animal and Plant Health Inspection Service (APHIS) administers the Animal Welfare Act, and conducts an active and comprehensive enforcement program under the act to ensure the humane treatment of animals regulated under the Act. We are keenly aware of the increasing number of acts of theft and destruction that are being committed against research facilities and farm animal facilities, and we join with the sponsors of this legislation in condemning these acts. Such illegal acts have destroyed years of valuable biomedical research and disrupted food production--activities that benefit all of society.

The Honorable E (Kika) de la Garza

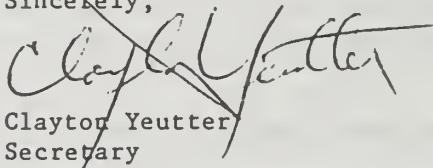
2

Though we support the spirit of the legislation, we do not believe it would be appropriate or practical for USDA to investigate violations of this legislation. APHIS inspectors are not trained as law enforcement officials, and we do not believe they should be placed in such a position. We also question the advisability of placing regulatory officials in the position of protecting the entities they regulate.

In addition, as a more general matter, legislation of this kind is not necessary for the reasons cited by the Department of Justice in its letter to you of May 25, 1990.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,


Clayton Yeutter
Secretary

Mr. BROWN. Mr. Rose.

Mr. ROSE. Mr. Chairman, I'd like to yield at this time to Mr. Glickman, and I'd like to make an opening statement, but at the end of all the other opening statements.

Mr. BROWN. I'll be glad to recognize Mr. Glickman next and then Mr. Rose.

OPENING STATEMENT OF HON. DAN GLICKMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS

Mr. GLICKMAN. Thank you, Mr. Chairman.

I thank my colleague from North Carolina for yielding.

I am a cosponsor of this bill. I must say, however, after reading it in depth, I have some difficulty with the language of this bill for a variety of reasons. I would hope that it could be worked out, but if it can't be worked out, then I think this bill ought to go over to the Judiciary Committee for review, and let me give you a couple of the reasons why.

First, the bill, theoretically, could make simple trespass a Federal crime. We ought not to be making simple trespass a Federal crime if it's trespass on a "animal facility." I mean, what's different from trespass on an animal facility from trespass on a jewelry store or trespass on a clothing store? Our Federal courts are overloaded as it is, so we need to have a focused effort on why we are doing this bill. Granted there may be a problem here, but we have to make sure that we don't do something that creates a Federal remedy for something that would create normal State and local criminal conduct.

Second, this bill is a felony statute. So when you examine a felony statute, you have to make sure that Federal jurisdiction is absolutely required in all contexts of it, and I'm not sure in all contexts that it is required.

Third, it could be interpreted that the prohibited acts of this bill, that is, intending to deprive the owner of a facility and to disrupt or damage the enterprise conducted at the animal facility, could be to prohibit normal first amendment acts of protest, and I don't think that we want to get into that ballgame here of saying somebody, as misguided as they may be, wanting to protest at an animal welfare facility or at a university would be guilty of this statute. The language is not clear on this point, and that would be a simple mistake.

Fourth, I'm not sure we want to create an opportunity for a Federal crime for anybody who may do disruptive damage on any animal facility, whether it be a small farm, a beekeeper's facility, or the largest university in the world. That's what the current bill does, and that is a potential scope of the remedy way beyond the nature of the problem.

So what I'm saying is that there may be a substitute offer, Mr. Stenholm—I don't know if you have some additional language—and I'm willing to work on these things, because I think there is a problem of excess zealousness on some things in this case, but I would remind you that if we go after animal welfare facilities, then the next step, for example, is abortion clinics, planned parenthood facilities.

You can argue everything in the world is very important and justifies a Federal crime for disruption or trespass, and I think that's probably what the Justice Department was arguing, and it worries me that we would be doing something here that is not focused on the nature of what the problem really is.

I have other questions about language here. What does intent to disrupt mean? Hiding, for example, on an animal welfare facility, hiding is a Federal crime. Concealing yourself if you intend to do something bad, you're eligible for 3 years in the penitentiary. I'm not sure we want to do that, either. If there's a problem with the FBI not being able to get the information on interstate kinds of conspiracies, that's a different story. We ought to focus on that. That's why maybe this bill ought to be referred to the Judiciary Committee, where we can go into the kind of remedies that we're talking about.

What I want to make sure is we don't do something foolish here. Every time somebody harasses a farmer in this country, they would be guilty of a Federal crime. That is not what we want to do, and I don't think that's what the advocates want to do in this kind of situation, so I thought I would just bring these points forward.

One other thing is that we create a private right of action lawsuit for anybody who is "guilty" of violating this act recovering all actual and consequential damages and court costs, including reasonable attorneys fees. Well, this committee has kind of fought that on other things in the years past, and we have to decide whether we want to go with private rights of action in this thing.

I understand what the bill is getting to, and I sympathize and am actually in favor of going after what I call the zealous, who are disruptive and who just want to destroy things for purely political purposes, but at the same time I think we have to be awful careful in setting precedents which might abridge both first amendment rights protests as well as creating Federal crimes and things that ought not to be in the Federal courts at all, and I would yield back my time.

Mr. BROWN. Thank you, Mr. Glickman.

Mr. Coleman, do you have a statement?

Mr. COLEMAN. Mr. Chairman, I do not have an opening statement.

Mr. BROWN. Would you like to make up one? [Laughter.]

I'm not urging it.

Mr. COLEMAN. Mr. Chairman, I know that other members and the panel have statements, and we've got a lot of witnesses.

Mr. BROWN. We're going to urge the other members to be brief.

Mr. Rose.

OPENING STATEMENT OF HON. CHARLES ROSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. ROSE. Mr. Chairman, before we begin our first panel, I would like to make a statement in the form of a short little tape about this whole subject area, so I'd like for you, if you don't mind, to get everybody else—

Mr. BROWN. I'm going to ask unanimous consent for you to run this tape. If nobody objects, you may proceed.

[No response.]

Mr. BROWN. Hearing no objection, you may proceed.

Mr. ROSE. All right. Let me say this. One of the things that concerns me is that everybody has been led to believe that there is very little truth to the fact that terrorism—and I don't even like to use that word, but that's what has been used by the biomedical research community—that terrorism is all against them. Well, last Friday night on "20-20," Hugh Downs had a very enlightening segment on puppy mills or organizations that have been caught stealing from private individuals their pets and selling them to research laboratories.

Now, we're opening a can of worms here today. I'm going to offer an amendment at the appropriate time to make it a crime to steal people's pets to give them to research laboratories, and you'll push the button, I'll hush, and hopefully the tape will explain itself.

[Videotape shown.]

Mr. ROSE. Thank you, Mr. Chairman.

Mr. BROWN. Mr. Stenholm, do you have an opening statement?

Mr. STENHOLM. Yes, Mr. Chairman, I do have an opening statement that I'd like to insert into the record.

[The prepared statement of Mr. Stenholm follows:]

**OPENING STATEMENT OF
CONGRESSMAN CHARLES W. STENHOLM
REGARDING**

**H.R. 3270, THE "FARM ANIMAL AND RESEARCH
FACILITIES PROTECTION ACT"**

July 17, 1990

Mr. Chairman, I appreciate your willingness to convene today's public hearing and scheduled markup on H.R. 3270, the "Farm Animal and Research Facilities Protection Act." I am pleased to join over 200 of my colleagues, including the distinguished Chairman of this Committee, Mr. de la Garza, and the Committee's ranking minority member, Mr. Madigan, in introducing this needed legislation.

As mentioned previously, this legislation is designed to prevent, deter, and penalize crimes and illegal acts of terrorism against U.S. farmers, ranchers, food processors, and agricultural and biomedical researchers.

Regrettably, as will be pointed out in today's testimony, current laws are not discouraging acts of criminal violence against U.S. farmers, ranchers, and those committed to finding cures for the nation's sick and disabled.

While the Administration contends that additional legislation is not needed, officials at the local levels have indicated a lack of involvement by the FBI when incidents have occurred in such places as Tucson, Arizona, Lubbock, Texas and Philadelphia, Pennsylvania.

Moreover, while the FBI has been charged with the lead Federal agency authorization to investigate acts of terrorism in the United States, there is no all-encompassing Federal law concerning this issue.

Federal legislation is justified because, even though the acts are local, those groups which have claimed credit in the past are national. They cross state lines and therefore it is not just a local crime.

Quite simply, Congressional action is necessary if we hope to make prevention and prosecution of these terrorist acts a Federal priority.

To ignore this threat to agricultural productivity and science is to place that productivity in jeopardy, with consumers both here and abroad as much victims as the farmers and ranchers who are under attack.

However, let the record be very clear. Whether on the farm or in the laboratory, we should not condone cruelty to animals. Scientific researchers should always be dedicated to finding ways to relieve suffering and preserve life. Regulations to ensure the humane treatment of laboratory animals should certainly be strictly enforced. Scientists have developed, and should continue to develop and use, scientifically valid adjunctive or alternative methods to animal experimentation.

Adherence to humane care and treatment standards for research animals is, of course, essential. Such compliance is required as a matter of Federal law and is essential to the accuracy of laboratory

research. But even in the name of animal protection, criminal and terrorist activities simply can not be tolerated.

Infiltrating laboratories surreptitiously by posing as volunteer workers or employees, destroying research records, vandalizing research facilities, bombing, and threatening scientists are all irrational, and illegal methods of persuasion. Regardless of the motives underlying those who commit illegal acts endangering human and animal life, destruction of property and vandalism, in all cases, is contrary to the public interest.

Regrettably, some individuals, albeit a minority on the fringe of animal rights movement, can and do resort to criminal activity. The commission of criminal acts is what separates the actions which are of interest to law enforcement from legitimate protest activity.

For example, the Animal Liberation Front (ALF) organization, which has committed acts of violence in other countries, first claimed credit for an action in the United States in 1982. Since then, the group is believed to be responsible for approximately 100 criminal acts in this country. Three of these acts have been designated terrorist incidents by the FBI; two of which occurred in 1989.

The FBI has included information concerning this kind of "special interest" terrorism in its report Terrorism in the United States. This publication is a vivid demonstration of the growing problem we face with this type of crime.

Further acts of violence and terrorism can be expected so long as those responsible remain at large believing that their activities are contributing to their cause.

The bill under consideration today would strengthen law enforcement in dealing with this growing, well-organized, well-financed, unscrupulous, movement.

Those who choose to disrupt lawful agricultural and scientific research activities through violent means should face legal sanctions that are commensurate with their actions. The true victims of the illegal acts of terrorism are not only agricultural and biomedical research institutions and food animal producers, but all members of society. The ultimate cost is levied against those who enjoy an abundant nutritious food supply or wait for better treatments or preventive measures for disease and disability, against those whose very lives may be at stake.

In concluding my opening remarks, I wish to thank Chairman Brown once again for scheduling today's hearing and markup. In addition, I would be remiss indeed if I did not extend my gratitude for the overwhelming support that this legislation has received nationwide. With over 200 co-sponsors currently, from both sides of the isle, I am hopeful that we can follow the lead of the other body in obtaining swift passage of this needed legislation.

Thank you.

Mr. STENHOLM. Mr. Chairman, we just saw a very depressing film. Why did we look at that film? That's not part of the discussion that—

Mr. ROSE. Do you want me to answer that?

Mr. STENHOLM. No, I'm asking the chairman, Mr. Rose.

Mr. ROSE. OK.

Mr. STENHOLM. It's my understanding that we're holding hearings on the APHIS bill. The animal welfare bill comes under that. It certainly was not the intent of the legislation being offered and discussed this morning that we talk about the Animal Welfare Act.

Mr. BROWN. The Chair can only respond by saying that Mr. Rose requested unanimous consent to present that in lieu of an opening statement, and there being no objection, the Chair consented.

Mr. STENHOLM. That's a good answer to it, and I accept that and will certainly debate my colleague as to the rationale of showing the video.

And to my colleague from Kansas, he will find that many of the objections that he raised, I concur with. We have attempted to make those corrections in the spirit of the law that we propose to change today.

I would also remind all of my colleagues, including my friend from Kansas, that the statute that we will in fact mark up this morning is almost identical to laws that are already present in 11 States, including the State of Kansas. Therefore, we have attempted to borrow from the wisdom of many of our States. We'll certainly look forward to working with him in amending the bill to making certain that we do not do the things that he mentioned we might possibly be doing. That's not the intent of the author and the 200 cosponsors.

Let me say that I strongly oppose people stealing pets and using them, illegally. I think there's an appropriate place to strengthen the law of the Animal Welfare Act if it allows people to commit these acts. That's not the purpose of this bill today.

The bill today is to say that those individuals who believe that their cause of animal welfare is so just, is so morally correct, that they can use any means at their disposal, including life threats against researchers, burning down and disruption of farm facilities around the country, and the belief that those particular acts—including the fact that we must have extra police protection on the Hill when we even discuss this bill. That's what we're trying to deal with today. Dr. John Orems at Texas Tech continues to get life-threatening calls and others, some 100, as the chairman has mentioned.

To my friend from North Carolina, I would respectfully ask that you not discuss nongermane points in this bill. We agree that those who take the law into their own hands should in fact pay for that. We should strengthen laws to that effect. That's what we're trying to discuss today, and to choose to muddy this debate this morning with what I would call a nongermane argument is not helpful and is not going to be in the best spirit of the debate of this committee and the resolution of the question.

Mr. ROSE. Will the gentleman yield?

Mr. STENHOLM. I'll be happy to yield.

Mr. ROSE. Mr. Stenholm, in the original bill that you submitted, it would be against the law for somebody to go into an animal research facility and take out of that research facility any evidence that stolen animals were being used there or that animals in that research facility were being treated contrary to the regulations set forth by the Animal Welfare Act.

I just want to even up the score. I want people to understand that the medical research community is knowingly permitting stolen animals from pet owners around the country to wind up in research labs. You seem to hold the biomedical research community up on a high and mighty pedestal that they can do no wrong, and your bill seeks to give them protections that I think are absolutely unwarranted, and that's why I showed this film.

Mr. BROWN. I'd like to proceed if we can here.

Mr. Olin, do you wish to make an opening statement?

Mr. OLIN. No, Mr. Chairman.

Mr. BROWN. Mr. Volkmer, do you wish to make an opening statement?

Mr. VOLKMER. No, sir.

Mr. BROWN. The Chair will merely comment that this committee has a long history of dealing with the subject matter before us. What we have tried to do in this subcommittee is to develop at a prudent pace a pattern of concern for both the humane treatment of animals and for the protection of animal research facilities against acts of violence and terrorism, if it were possible to do so. We've also considered separate legislation dealing with the problem of stolen pets, and such legislation has been on the verge of passage. It's passed the other body and has been considered in this body.

The Chair himself 5 years ago introduced legislation similar to what we have before us. Our purpose this morning is to see if legislation such as this can be perfected in such a way as to contribute to the welfare of this country and to the research facilities and farm facilities on which we all depend.

Having said that, I'm going to call the witnesses to the table: Dr. John Howe, National Association for Biomedical Research, who is president of the San Antonio Medical Center in San Antonio; Edward Rhode, doctor of veterinary medicine, American Veterinary Medical Association, and dean of the college of veterinary medicine at Davis, California; Mr. William Cotreau, secretary, Society for Animal Protective Legislation; and Dr. John Kullberg, president of the American Society for Prevention of Cruelty to Animals.

Now, it is the position of the committee that we have already had extensive hearing on this subject, and in response to a number of requests, we have decided to have additional testimony this morning but have chosen to limit it to the four witnesses we have before us, with the intention of them moving ahead, if it's possible to do so and the committee wishes, to a markup of this legislation. That's our present intention until the committee decides otherwise.

Dr. Howe, we welcome you here this morning and look forward to your testimony. You can see that there's a great deal of interest in this subject.

STATEMENT OF JOHN P. HOWE III, M.D., PRESIDENT, HEALTH SCIENCE CENTER, UNIVERSITY OF TEXAS AT SAN ANTONIO, MEMBER, BOARD OF DIRECTORS, NATIONAL ASSOCIATION FOR BIOMEDICAL RESEARCH, ACCCOMPANIED BY FRANKIE TRULL, PRESIDENT, NATIONAL ASSOCIATION FOR BIOMEDICAL RESEARCH

Dr. HOWE. Thank you, sir. All the way from San Antonio, Texas. It's good to be here. It's a little drier than it is in South Texas right now.

Mr. Chairman and members of the subcommittee, thank you indeed for this opportunity to come before you today. Thank you for this opportunity to express the strong support of the Nation's research community for H.R. 3270, the Farm Animal and Research Facility Protection Act. With your permission, sir, I would like to highlight just a few portions of my written testimony.

Mr. BROWN. You have my permission, and the full text will be included in the record.

Dr. HOWE. I'd like to begin with a story of Dr. David Hubel, the eminent neuroscientist and nobel laureate, and his attendance at the recent 100th anniversary program at Johns Hopkins Medical School. A half dozen of the Nation's medical leaders participated in this program and spoke about the problems confronting modern medicine today. Everything from AIDS to our legal system was discussed, with one exception. Not one speaker mentioned the animal rights movement. Dr. Hubel asked his host, a world-renowned neurophysiologist, why this was so. The answer Dr. Hubel received was, "David, they're scared to death. Scared to death."

Is it any wonder when you consider that earlier this year the dean of the University of Tennessee Veterinary School was tragically murdered, and the media reported not only that the police were investigating a possible animal rights connection but also that a fringe group had threatened to kill a veterinary dean a month. I want to emphasize these rumors remain unconfirmed and are most likely untrue.

Still, it is significant that many in the research community believe they could be true. We had no reason to doubt that a fanatic that finally acted out a threat commonly received by biomedical researchers who work with laboratory animals in this country. I personally receive such death threats, and my experience is far from unique.

The climate of fear in the research community created by terrorists must be ended. It has clearly become necessary to make it a Federal crime to break into research facilities, steal research animals and data, threaten the safety of the research staff, and damage or destroy research equipment in laboratories. We come to this conclusion because, first, crimes against research facilities are increasing in frequency and severity. Three years ago, animals rights-inspired theft and vandalism was the problem. Now we are contending with arson and radio-controlled bombs.

Last month in England, a researcher narrowly escaped death when her car exploded from a bomb planted by animal rights extremists. Police believe animal liberationists were also responsible for the explosion of a University of Bristol researcher's car later

that same week. A baby was seriously injured in that blast. Our situation in the United States must not be permitted to escalate as it has in our sister nation, Great Britain.

Second, crimes against research facilities and staff are a national problem. The criminal activities of some in the animal rights movement can only be called terrorism. These individuals break the law in order to further their cause of ending all research involving animals. In the process, the public health is threatened, the cost of biomedical research is increased, Federal tax money is wasted, researchers are intimidated and demoralized to the point that important animal research is likely to be abandoned or perhaps never begun.

Third, crimes against research facilities and staff are committed with impunity. Only three convictions of persons involved with these incidents have been obtained. Indeed, we are encouraged that 11 States have recently passed laws increasing penalties for crimes which disrupt research, and two other States are now considering similar legislation. However, States alone will not be able to solve this problem. Meaningful Federal participation is needed and needed now to successfully investigate and prosecute those responsible for attacking animal research.

Fourth, animal rights-inspired terrorism is both interstate and international in scope. Similarities in events and methods suggests conspiracy may be involved. State and local law enforcement agencies are not authorized or even equipped to conduct interstate or international investigations. Only the U.S. Department of Justice and the Federal Bureau of Investigation are in a position to fully pursue crimes of this nature.

Federal protection of research facilities does not limit free speech, infringe on first amendment rights, or stop legitimate whistleblowers. We're not seeking to limit debate or to stifle opinion. We are seeking an end to criminal means of expressing opinions. Surely, the discussion of animal welfare issues will benefit from eliminating the club of terrorism being wielded today by some animal rights extremists.

Mr. Chairman, the challenges now facing medical scientists and educators are formidable. AIDS, Alzheimer's, cancer, substance abuse, and a host of other plagues must be conquered. We must do so in the face of unavoidable financial constraints and despite inevitable obstacles. Although the leadership gathered at Johns Hopkins' 100th anniversary was fearful of mentioning it, the animal rights movement is presenting one such major obstacle.

I can assure you, sir, that we the National Association for Biomedical Research membership are committed to meeting this challenge by continuing to educate the public about the absolute need for responsible, humane research using laboratory animals. For certain, the animal rights controversy will continue, and we pledge to be responsible participants in that debate. What must not be permitted to continue is the criminal element which is attempting to silence reasonable discussion.

To succeed, though, in overcoming the opposition to essential research, we must have your help, the help of Congress. No scientist should live in fear of his work being sabotaged or destroyed because of criminal protest by some who hold animal life more pre-

cious than human life. No researcher should fear that his life will be in jeopardy if he speaks out against the animal rights viewpoint. No bright young person should be dissuaded from entering a biomedical research career because that choice would make him and his family targets of terrorism.

I close, sir, in restating that the Nation's research community is heartened by the legislation before this subcommittee today. Indeed, we are grateful to Mr. Stenholm for its introduction and to the nearly 200 congressional colleagues and cosponsors, including many members of this subcommittee, who have supported it. The National Association for Biomedical Research urges swift passage of H.R. 3270 so that biomedical researchers and their mission will be afforded the best protection possible; protection that they and the beneficiaries of research deserve now, in the 1990's, and beyond. Thank you, sir.

[The prepared statement of Dr. Howe appears at the conclusion of the hearing.]

Mr. BROWN. Thank you very much, Dr. Howe, for that excellent statement. Dr. Rhode.

STATEMENT OF EDWARD RHODE, DEAN, COLLEGE OF VETERINARY MEDICINE, UNIVERSITY OF CALIFORNIA AT DAVIS, ON BEHALF OF THE AMERICAN VETERINARY MEDICAL ASSOCIATION AND THE ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES, ACCOMPANIED BY JOHN FREEMAN, MEMBER, EXECUTIVE BOARD, AMERICAN VETERINARY MEDICAL ASSOCIATION

Mr. RHODE. Good morning, Mr. Chairman and members of the subcommittee. I'm Edward Rhode, dean of the school of veterinary medicine, University of California at Davis. I am accompanied by Dr. John Freeman, a veterinarian and farmer from Franklington, North Carolina, a member of the executive board of the American Veterinary Medical Association. Together we will present the views of veterinary medicine and animal agriculture to support H.R. 3270. We represent the American Veterinary Medical Association, the Association of American Veterinary Medical Colleges, and I represent the University of California.

At the outset, I would like to stress the veterinary medical profession's commitment to animals and animal welfare. The Veterinarian's Oath affirms our profession's commitment to the protection of animal health and the relief of animal suffering. I must tell you that I took great offense at the statement in the hearing charter which said that H.R. 3270 is opposed by both animal welfare and rights groups. I am here to say that the veterinary medical profession is one animal welfare group that strongly supports the passage of this legislation.

Likewise, the proposed legislation enjoys broad support throughout the agricultural community. The American Feed Industry Association has compiled a list of 48 national, 19 regional, and 227 State producer-related groups that have endorsed H.R. 3270. Good livestock and poultry producers are increasingly attentive to the welfare of their animals. Indeed the survival of a producer's business depends on it.

One of the most senseless acts that brought the danger of the animal rights movement home to me was the intentional burning of the partially completed state-of-the-art California Veterinary Diagnostic Laboratory, which provides direct and immediate benefits to our State and to animal agriculture. Evidence found during the investigation of the fire confirmed that it was deliberately set. Animal Liberation Front members had painted "ALF" in red paint on the interior walls before setting the blaze. I have photographs which I've provided to the committee to show the destruction of the arson fire.

The cost of the fire is \$5 million in damages. Now, 3 years later, despite the fact that the State and local authorities have firm leads to solve the arson, the statute of limitations has expired. It now remains the responsibility of Federal authorities to bring the perpetrators to justice, if that does happen.

Previous incidents, such as the well-known break-in at the University of California, Riverside, in Chairman Brown's own district, resulted in \$700,000 in damage, including the loss of animals, computer and laboratory equipment, and the stopping of important research.

Incidents involving the University of Pennsylvania point out other disturbing trends. Dr. Adrian Morrison, a veterinarian and neuroanatomist on the Penn faculty, had his office looted and vandalized as a warning from animal rightists to stop his outspoken support for the use of animals in biomedical research. In all, the FBI has counted more than 120 acts of vandalism and violence.

The Federal Bureau of Investigation has classified the Animal Liberation Front a domestic terrorist organization. This succinctly captures the nature of the problem. Acts of terrorism count as much more than the sum of the cost of the fires, vandalism, robbery, and loss of research time and productivity. They are deliberately aimed at intimidation of individuals everywhere engaged in animal research and have a chilling effect on all.

At the last hearing, concerns were expressed regarding the necessity of legislation to protect agriculture. Let me affirm that this protection is as essential for animal production as it is for research. Farmers now face the threat of animal rights terrorism on their own farms. The offices of the North Carolina Cattlemen and the California Cattlemen have been vandalized. The Dixon Livestock Auction Market in California was burned.

Terrorist activities threaten human and animal lives. The current legal framework has not been adequate to provide a sufficient deterrent to these activities. State and local legislation, although present and welcome, is unlikely to be sufficient to combat this problem. It is important, then, to respond with vigor and investigation and specific legislation to these acts which are clearly terrorist in intent and character. The Farm Animal and Research Facilities Protection Act is the best way, in our opinion, to accomplish it.

Thank you for the opportunity to testify. Dr. Freeman and I will be happy to answer any questions that may arise.

[The prepared statement of Mr. Rhode appears at the conclusion of the hearing.]

Mr. BROWN. Does Dr. Freeman have an additional statement?

Mr. FREEMAN. No, sir, I do not, Mr. Chairman.

Mr. BROWN. We thank you very much.

We'll hear then from Mr. William Cotreau, representing the Society for Animal Protective Legislation, speaking in lieu of Ms. Christine Stevens, who was originally scheduled but I understand is ill.

Would you please express our hopes for a speedy recovery?

STATEMENT OF CHRISTINE STEVENS, SECRETARY, SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, PRESENTED BY WILLIAM COTREAU

Mr. COTREAU. I certainly will. As you said, I'm William Joseph Cotreau with the Society for Animal Protective Legislation. I'm going to read Christine's testimony, so if the first person seems inappropriate, that's why.

I appreciate the opportunity to testify before this distinguished subcommittee. The last time I did so was in 1984, when I presented the preliminary results of a study conducted by the Animal Welfare Institute analyzing reports by USDA's Veterinary Services of 214 registered research facilities. The study was later published as part of the book "Beyond the Laboratory Door."

You will note that 174 of these facilities had one or more deficiencies, some serious or chronic. In only 37 were no deficiencies reported during the 3-year period covered. This 81 percent failure rate to observe the minimum standards established by the Animal Welfare Act shows in numerical terms why there is such a widespread public concern about how laboratory animals are treated. There is a strong majority consensus among American voters that these animals must be humanely treated, but so far the public has no assurance that they are.

The Society for Animal Protective Legislation and the Animal Welfare Institute have done their utmost to plead, pressure, and cajole institutions into taking seriously their responsibilities for the animals they use. For example, "Comfortable Quarters for Laboratory Animals," which we provide free to scientists and administrators, shows good examples from facilities where animals are properly housed, but aggressive lobbying by the National Association for Biomedical Research and its constituent organizations has even prevented major sections of the improved standards for laboratory animals amendments, passed as part of the 1985 farm bill, from being made final.

Yesterday, a toothless version of some of the standards were made final. Due to industry pressure, these regulations have two nullifying provisions: a grandfather clause for substandard caging and a discretionary clause whereby the institution can opt not to follow the regulations. Decent treatment of the animals is an absolute necessity if the goals of H.R. 3270 are to be achieved. Eviscerated regulations do not ensure that the public demand for humane care of laboratory animals is met.

The organizations which I represent are opposed to illegal actions. We support thorough law enforcement and agree with the Justice Department that legislation, both State and Federal, is already in place to punish violations addressed in the pending bills. We live in an increasingly lawless society, and simply reiterating

provisions of already existing law is unlikely to affect the changes sought. Scofflaws will only be reinforced by passage of legislation, while law abiding persons will be further intimidated so that the reports of neglect and mistreatment of laboratory animals will not be made, as they should be, in the institutions themselves and rectified, as they should be, by those in authority.

I foresee an ever-escalating confrontation—

Mr. BROWN. May I interrupt you at this point, Mr. Cotreau. We're going to have to go vote, and I think this would be a good time to take a brief recess to do that. I ask the indulgence of the witnesses. While we're out, I would ask if you would consider possibly abbreviating some of the remainder of your testimony, and, of course, the full text will appear in the record at this point.

Mr. COTREAU. Thank you. Certainly.

Mr. BROWN. With that, the subcommittee will be in recess for a sufficient time to vote and return.

[Recess taken.]

Mr. BROWN. Could the subcommittee resume its meeting? We'll continue with the statement of Mr. Cotreau on behalf of Mrs. Stevens, and we apologize for the necessity of the recess.

Would you go ahead, Mr. Cotreau.

Mr. COTREAU. Certainly.

I commend Congressman Stenholm for omitting several of the most dangerous provisions of the Senate-passed bill on this subject. However, since these improvements could be lost in conference and there were no hearings in the Senate, it is incumbent on the Society for Animal Protective Legislation to examine all pending legislation in order to try to assess the potential effects.

We believe that much of the progress which has slowly been achieved in both attitudes and requirements of law relating to laboratory animals could be undermined by provisions that, far from encouraging the wholesome whistleblowing inside institutions so that bad conditions are rectified on the spot, are likely to inhibit the reporting of the neglect or mistreatment of animals to the institution's authorities.

The true issue underlying the proposed legislation is that there is no effective means of reporting problems in laboratories. As quoted in my commentary in the international scientific journal, "Nature," September 27, 1984, the chief executive of the National Association for Biomedical Research, NABR, which is Frankie Trull, addressing a university gathering, stated, "The reason I say please clean up your own shops is that the break-ins are inside jobs, every one of them. By inside jobs, I mean that some sincere, genuine animal technician or cage-cleaner or whatever goes to an animal rights rally or reads an article in a magazine and wants to help the other side. Every single one of the break-ins of the 30 or 40 we're aware of involved inside jobs."

The rationale for the scientific community to prevent these inside jobs identified by NABR is to encourage whistleblowing, not to stifle it. When laboratory personnel are afraid to complain to the Institutional Animal Care and Use Committee about neglect and mistreatment of animals, when they know they cannot get a fair hearing from employers and colleagues, pressure builds up to go elsewhere. I know from personal experience how fearful of re-

prisals are individuals employed by medical schools who dare to criticize abuse of laboratory animals in their own institutions.

It is that hostility, in my judgment, based on almost 40 years of work to convince the scientific community that laboratory animals should be treated decently and protected from the massive amounts of needless suffering they now undergo, that is at the root of the legislation being pressed on the Congress—Senate bill 727, H.R. 3270, and H.R. 3223. George Orwell's national hate week is alive and well among the hard-liners against animal protection, and the very campaigns they mount, allegedly against animal rights but in fact encompassing animal welfare, are, in turn, encouraging hostility among animal sympathizers of every stripe.

The long-standing goal of the Animal Welfare Institute and the Society for Animal Protective Legislation is to reduce the sum total of fear and pain inflicted on animals by man. In pursuit of this aim, we appeal to you, Mr. Chairman, for leadership in reducing this current extreme confrontation. You may not be aware of acts of aggression coming from the biomedical side or of how they are being used.

I'm going to skip over two of the tales in the testimony, which you can read at your leisure. One involves two school teachers who were sued into pennilessness by a dog dealer.

Nor are the victims of commercial biomedical interests limited to nonscientists. Immuno AG, an Austrian multinational pharmaceutical company, has sued some 60 different people and institutions over unfavorable comments on the company's acquisition of endangered chimpanzees. After a 5-year court battle, Dr. Moor-Janowski, head of the Laboratory for experimental surgery in primates, or LEMSIP, has only recently been vindicated by the appellate division of the First District Court of New York and the New York Court of Appeals for having published, as editor of the "Journal of Primatology," a letter on the subject.

Presiding Justice Francis T. Murphy commented, "To unnecessarily delay the disposition of a libel action is not only to countenance waste and inefficiency but to enhance the value of such exercises as instruments of harassment and coercion inimical to the exercise of first amendment rights." It is that same harassment and coercion to eliminate the exercise of first amendment rights that we are fearful this legislation before the subcommittee today would only further.

The basis on which the several bills on this subject appear to rest is flawed. State laws already cover the prohibited acts. Newspaper reports on illegal acts against research facilities and personnel appear to have declined, suggesting a decline in these occurrences. I have seen no documentation of any increase in these illegal activities as distinct from other types of crime, which is often reported in the daily press as reaching record heights.

More appropriate than passing a new Federal criminal statute would be a resolution expressing the Congress' strong and unanimous disapproval of illegal activities directed against health facilities assisted under the Public Health Service Act. Those who continue to place obstacle after obstacle in the way of finalizing part 3 regulations under the 1985 Improved Standards for Laboratory Animals Amendments to the Animal Welfare Act are the same

people who lobbied Senate bill 727 through the Senate without hearings.

They clamor for Federal protection from actions which are already illegal in every State, but they do everything in their power to prevent implementation of the exceedingly moderate, totally nonradical legislation passed by Congress in 1985. This is the legislation which, if enforced, can do far more to discourage illegal raids than anything Federal criminal statute could hope to do.

If the self-styled opponents of animal rights who in fact work assiduously against the animal welfare they profess to support ever allow the day to come when every laboratory animal is decently treated, they will no longer have any reason to invest in extensive security systems or the underground animal quarters so detrimental to animal welfare that some big institutions are building.

Mr. Chairman, I appeal to you to help that day to come."

[The prepared statement of Ms. Stevens appears at the conclusion of the hearing.]

Mr. BROWN. Thank you very much for the testimony and for the supplemental material.

Now we will hear from Dr. John Kullberg, the president of the American Society for the Prevention of Cruelty to Animals.

Dr. Kullberg.

STATEMENT OF JOHN F. KULLBERG, PRESIDENT, AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Mr. KULLBERG. Thank you, Mr. Chairman. I welcome this opportunity to speak on behalf of America's first humane society, the American Society for the Prevention of Cruelty to Animals. My name is John Kullberg, and I am president of the ASPCA. On behalf of our almost 400,000 members nationwide, I respectfully urge you not to support H.R. 3270. I might add that I found particularly encouraging this morning Congressman Glickman's opening remarks and Congressman Rose's much to the point video excerpt.

I also want you to know that as president of the ASPCA I have on several occasions received death threats from many sources. I am assuming they include disgruntled employees and upset recipients of ASPCA humane law enforcement actions, but I've come to understand that in running any large enterprise today, death threats are not unusual, while nonetheless highly disconcerting.

The ASPCA, in addition to its humane legislation, education, shelter, and veterinary programs for animals, was founded in 1866 as a law enforcement organization. Agents of the ASPCA are still designated as peace officers in New York State and as such are authorized to enforce animal protection laws and regulations. Our agents have the power to conduct investigations, issue summons, make arrests, and even carry weapons.

The ASPCA believes in the importance of law and the need for law enforcement. We do not support breaking and entering, vandalism, theft, or destruction of another's property. Given our law enforcement role over the last 124 years, we are very sensitive to the need for statutes that are clear, necessary, and enforceable.

Fortunately, most Americans, whether or not they are against the way many animals are used in research or raised and slaughtered for food, share our opposition to theft, destruction of property, and violence. This is evident in the fact that while several million people throughout the country contribute to and are members of humane societies with varying viewpoints on animal protection issues, there have been relatively few incidents of the kind of illegal activities that H.R. 3270 attempts to address.

Contrast this with the number of incidents of destruction of property, theft, or violence perpetrated against other types of institutions that are as legally incorporated and protected as are farms and institutions engaged in research, and the need and underlying purpose of H.R. 3270 becomes even more questionable.

Do we need a separate law, for example, to protect legally incorporated abortion clinics from acts of violence, theft, and destruction that the radical wing or emotionally out of control members of the prolife movement, similar to the radical wing or emotionally out of control members of the animal rights movement, have occasionally engaged in? Or is this proposed legislation actually an attempt to suggest that those activists among us who indeed do believe that an animal in our care has a right not to be harmed, abused, or exploited are by definition proviolent and therefore need to be singled out from all other great causes, debates, and movements in America?

Willful destruction or theft of another's valuable property is a felony. We don't need a separate law to make that point, despite one's beliefs and reasons. To steal and destroy another's property and get caught could send you to prison. Period. End of story. Why, then, is H.R. 3270 even being considered, when no less an authority than the U.S. Department of Justice has determined that sufficient legislation already is in place to address the problems of theft, destruction of property, and other illegal acts of violence, even against farms and research and educational institutions and, for that matter, abortion clinics?

Since H.R. 3270 actually serves no legally necessary purpose, it would appear that the only reason it was drafted in the first place was to undermine the animal protection/animal rights movement, a movement that by definition is ethically based and nonviolent. In addition to being unnecessary legislation whose sole purpose appears to be to wrongfully depict the animal protection movement as one which is fraught with persons engaging in illegal activities, a position that I as an animal rights advocate find personally offensive, the language of H.R. 3270 is so overboard that it could also serve to thwart appropriate law enforcement activities against those who violate existing animal protection statutes.

Law enforcement agencies, including those that are operated by the Federal Government, such as APHIS of the U.S. Department of Agriculture, and by State governments and private societies for the prevention of cruelty to animals are empowered by statute to enforce animal protection laws. Agents of such private organizations and Government agencies are now legally empowered to enter animal facilities to conduct investigations either pursuant to search warrants or based on other statutory rights of entry.

At times, such agents uncover violations of local, State, and/or Federal animal protection statutes and then, in accordance with their authority, seize or, as a last resort, cause to be humanely euthanized—that is, destroy—those animals found to be seriously neglected or otherwise mistreated. Such legal entry frequently is without the consent of the owner of the animals, and the owner of the animals may, under existing laws, legally be deprived of those animals temporarily and perhaps even permanently. And this legal seizure could indeed disrupt the enterprise conducted at the facility.

Compare this now legal and even common scenario with what H.R. 3270 expressly prohibits. The Farm Animal and Research Facilities Protection Act of 1990 could, if passed, have an extraordinarily negative effect. It could actually serve to stifle legitimate enforcement of existing Federal, State, and local animal anticruelty statutes and regulations. Certainly, this is not your intent, but given the technicalities inherent in courtroom adjudication, it could very well be the result.

It should also be noted that the penalties for violations of the provisions included in H.R. 3270 far exceed the penalties for violations of the provisions of the existing Federal Animal Welfare Act. Since over the years there have been hundreds more violations of the Animal Welfare Act by legally constituted research laboratories when compared to the relatively few violations perpetrated against farms and research institutions by so-called animal rights activists but more properly called animal rights extremists, I believe it would make far more sense to increase the penalties for violation of the Federal Animal Welfare Act than to consider passage of H.R. 3270.

And should, through some miscarriage of justice, H.R. 3270 be approved by Congress, with all of its inherent problems and strange precedent value, then this Congress should in fairness expeditiously strengthen the existing penalties of the Federal Animal Welfare Act, and make sure that H.R. 3270 does not eviscerate existing enforcement provisions of the Federal Animal Welfare Act and other animal anticruelty statutes altogether.

Finally, Mr. Chairman, a resolution recently adopted by the boards of directors of not only the American Society for the Prevention of Cruelty of Animals but also of the Humane Society of the United States and the Massachusetts Society for the Prevention of Cruelty to Animals, and a resolution now in the process of being signed onto by literally hundreds of animal protection/animal rights organizations all over the country, I believe is representative of the views of most people involved in the humane movement regardless of how far reaching their philosophies with respect to the use and care of animals, and I'd like to share this resolution with this committee.

Whereas, the foundation of the animal protection movement is that it is wrong to harm others; and

Whereas threats and acts of violence against people and willful destruction and theft of property have been associated with the animal protection movement, therefore be it

Resolved that we oppose threats and acts of violence against people and willful destruction and theft of property, and

Resolved that we shall energetically work to reduce, as rapidly as possible, the massive pain and suffering of billions of animals through non-violent means.

I'm sharing with this committee, as an addendum to this testimony, the document from which the resolution is taken, to better acquaint you with indeed a coherent, unified and widely accepted animal rights/animal protection agenda. I trust that these joint resolutions for the 1990's by American animal protection organizations will serve to impress upon you not only our commitment to nonviolence but also our commitment to better animal protection laws and their enforcement.

Thank you for this opportunity and the privilege of sharing these views with you this morning, Mr. Chairman.

[The prepared statement of Mr. Kullberg appears at the conclusion of the hearing.]

Mr. BROWN. Thank you very much also, Dr. Kullberg.

The floor is now open for members of the subcommittee to question any of the witnesses, and I'm going to recognize members who have questions.

Mr. Glickman.

Mr. GLICKMAN. I would like to ask Dr. Howe and perhaps Dr. Rhode, although I did not hear your statement, the Justice Department and the FBI say they don't need a Federal statute to investigate these cases, that the law enforcement capability is strong enough with respect to doing the law enforcement work. The reason why you go after Federal crimes in these cases is usually because the States are incapable of investigating and bringing cases or else there is a compelling national interest. But for the most part we defer to the States.

I would ask you the question, do you have evidence that the Federal and State law enforcement authorities do not have the tools at their disposal to fight this issue?

Dr. HOWE. Sir, I respond in two ways. One is to say that when on a given day you have violence in Lubbock, and it's announced the next day in Washington, when you have violence in Pennsylvania, and it gets announced in Texas, when over the past 8 years you've had 70 cases of criminal acts, the system isn't working.

Mr. GLICKMAN. Well, wait a second, Dr. Howe. We've had 10 million cases of criminal acts in this country in the last 8 years all over the country. You've got to do more than just say there have been 70 cases in the last 8 years. Have they been tied together? Is there evidence that it's part of a conspiracy? Is there evidence they're moving in interstate commerce? Is there evidence that the States do not have the law enforcement capability of investigating the crime? That's the question.

Dr. HOWE. That's a very important question, and in my testimony, sir, I gave that back-up in terms of the fact that there is evidence that in fact these things are going across State lines, and it's because of that that we came to you and appealed to you. It's a very important question and one that I think we feel very strongly about.

Mr. VOLKMER. Will the gentleman yield? I'll yield to the gentleman some of my time.

Mr. GLICKMAN. Yes, sure.

Mr. VOLKMER. I'd just like to point out, I believe one of the statements showed this, and I believe in our earlier hearing we had testimony to the fact that at times like the Arizona situation, when they did that, that there was a release the next morning claiming responsibility that appeared in Washington. There are, in other words, signs that this is not just some local situation, but it is manifested by a conspiracy across State lines.

Dr. HOWE. Yes, sir.

Mr. GLICKMAN. Well, the Department of Justice report indicates that they've already dealt with the Lubbock, Texas, case. I mean, that is, the States dealt with the Lubbock, Texas, case.

Dr. HOWE. I don't know what you mean by "dealt with it."

Mr. GLICKMAN. Yes, the FBI has entered into an investigation of this, but I'll get to this later. I guess my point is that we've got a lot of problems in our society. If somebody comes to us with every problem and says, "We need a Federal jurisdiction in Federal courts," we will take away all power of the States, and we don't know whether it's necessary. Sometimes people do that because they think, "We've got an important problem, we're special, we require Federal jurisdiction." I'm just saying that that's a tough one for us, and it's one of the reasons why I'm going to request if this bill goes out of here that it go to the House Judiciary Committee for review.

Now, the next question is this. Is it your intention to prohibit normal first amendment protected activities on protests and speech? Is that your intention?

Dr. HOWE. Sir, that particular item is carried in written testimony in the section dealing with the first amendment. I think it's on page 7.

Mr. GLICKMAN. So you say it's not your intention.

Dr. HOWE. No, it's not.

Mr. GLICKMAN. I want you to listen to the first prohibited act, and you tell me what this could involve.

A person commits an offense if, without the effective consent of the owner, the person acquires or otherwise exercises control over an animal facility or an animal from that facility or their property with the intent to deprive the owner of such facility, animal, and property and with the intent to disrupt or damage the enterprise conducted at the animal facility.

This requires no damage to be proved at all. No damages. All you have to have is the intent to exercise control to "deprive the owner of the property and the intent to disrupt." I'm just wondering what that means, the intent to disrupt. Would protesting in front of your front door be an intent to disrupt? I mean, if you thought it was disruptive to you?

Dr. HOWE. Sir, I can share a Texas perspective. At the University of Texas Health Science Center in San Antonio, where I'm the president of that institution, we have a free speech area that's designated by the board of regents, University of Texas system, and people are free to use it on a regular basis.

Mr. GLICKMAN. Is the free speech area anywhere close to your front door, or is it put 2 miles away in the middle of some barn?

Dr. HOWE. I invite you to come to San Antonio. What you'd see, sir, is it's right on our doorstep. Specifically with respect, sir, to what you're saying, namely that there needs to be a mechanism

whereby people can express their views, what we're talking about is something that goes beyond that in terms of disruption of the research activities.

Mr. GLICKMAN. Disruption, however, has to be more than just what's in your mind of disruption. Disruption has to be in the form of something real in terms of damages. I must tell you I understand your fear of threats and intimidation. That would scare the heck out of me as well. But, in order to come up with a statute, it's got to make constitutional sense so that people know what the crime is they are committing. That's what the courts have repeatedly held.

As I read that section of the law, I don't know what the crime is. Intent to disrupt. No requirement of damages. Intent to deprive the owner of the facility. I submit to you that's unconstitutionally vague, and I won't support it. Now, I will try to work with you on some language that is clear, that's specific, that's focused and to the point on interstate terrorism.

Dr. HOWE. I appreciate that, sir, because one of the things that I want to share with you is that there's a sense of helplessness when you have an act in a given State. I come from Texas, where we're not looking for additional Federal rules. I mean, there's a fierce independence in our State, but when you have an incident that occurs in one part of our State and then you have the announcement in another part of the country, there's a certain need for interstate communication and collaboration in terms of following up on it—

Mr. GLICKMAN. But you need more than just that anecdotal evidence. The fact of the matter is that there's got to be some reasonable degree of proof that an interstate conspiracy is in fact taking place, and I think the burden is on those wanting this statute to show that. I don't mean to demean what you're trying to do here. As I said, I understand it.

My time has expired. I just want to indicate that there's got to be more than Dr. Howe coming to us and saying, "Help us, we've got a problem, but we're not exactly sure where it is, and we're being intimidated, and you've got to protect us from that." It's got to be more than that, in my opinion.

Dr. HOWE. And I would argue, sir—

Mr. GLICKMAN. There have to be damages.

Dr. HOWE. Right. It goes beyond intimidation. We're talking about violence.

Mr. GLICKMAN. Well, then the statute has to read violent acts rather than intent to disrupt and that kind of thing.

Dr. HOWE. Because it is violence that's the concern.

Mr. GLICKMAN. OK, that's good. I'm glad we got that on the record. Thank you.

Mr. BROWN. Is there someone on the minority side that would like time at this point?

Mr. Grandy.

Mr. GRANDY. Mr. Chairman, I don't have any questions for the panel, but I'm wondering if there's anybody representing the Justice Department who might comment briefly on the revised legislation by Mr. Stenholm. I note that members of the subcommittee have a letter from the Acting Assistant Attorney General, Bruce

Navarro, highlighting some criticisms of H.R. 3270, but in one of the paragraphs, it's mentioned that some preliminary efforts have been made in this direction, and that is to say using existing laws to inhibit acts of violence against animal research facilities, and I'm just wondering if there's anybody from the Justice Department that could elaborate a little bit on that.

Mr. BROWN. Mr. Grandy, the Chair has been informed that Mr. Paul Maloney from the Justice Department is here and Dr. Morley Cook from the Department of Agriculture, APHIS, and are available to answer any questions. The Chair was going to wait until we finished with this panel.

Mr. GRANDY. All right, Mr. Chairman, I'll wait until such time.

Mr. BROWN. Do you have no further questions?

Mr. GRANDY. Not at this time, Mr. Chairman.

Mr. BROWN. All right.

Mr. Olin.

Mr. OLIN. Thank you, Mr. Chairman. I'd like to continue with the line of questioning that Mr. Glickman was engaged with Dr. Howe on, and ask Dr. Rhode if he could comment on that same area.

What is there that, in your mind, makes it essential that we have Federal legislation when it has been said that Federal legislation exists to cover these types of crimes? The question is, what is there that drives this?

Mr. RHODE. These are essentially acts of terrorism that this bill is addressing, and protection against them. The acts of terrorism that have occurred, and the fact that the FBI has declared the ALF a terrorist organization, prove that this is more than a local phenomenon. Not very many cases have been solved at all, and for that reason some additional attention needs to be drawn to this, and that's the purpose of this bill.

Mr. OLIN. You're basing your feelings only on the lack of ability to solve the cases? This bill does not target that particular organization, I don't believe, or any other particular organization.

Mr. RHODE. It targets no particular organization, but the large number of incidents that have occurred that have resulted in the need for legislation of this sort have come from activities that the ALF has itself said that it has perpetrated.

Mr. OLIN. Does your opinion stem from consultation with the authorities in California, or is this a thought that you have?

Mr. RHODE. I'm sorry.

Mr. OLIN. I said is your statement about the lack of ability to investigate and solve the crimes, is that imported by the law enforcement officials in California?

Mr. RHODE. Well, in particular, in the investigation that I know a little about, and that is the arson fire at the diagnostic lab on our campus, the FBI did become involved in the investigation very shortly after the fire occurred and has worked with local authorities quite effectively in following leads of the investigation.

However, despite fairly strong leads in evidence, the statute of limitations at the State level has expired, and the FBI is the only source of continuing this investigation, so it may offer some hope of solving that arson.

Mr. OLIN. Thank you.

Mr. Chairman, I'd just like to make one other comment. I certainly would second the suggestion that Mr. Glickman has made that some of the language in the bill needs to be modified. I understand that Mr. Stenholm is going to be suggesting a substitute, and I don't know which of these objections have been raised or covered by his substitute, but I think we should look at that, so that the charges or the situations that we're talking about as being felonious are very clearly described, not generalized. I thank you, Mr. Chairman.

Mr. BROWN. Mr. Stenholm will offer a substitute, Mr. Olin. I don't have the language in front of me right at this moment.

Does another member of the minority desire to be recognized at this point, and then I'll recognize Mr. Rose.

[No response.]

Mr. BROWN. Mr. Rose, you're recognized.

Mr. ROSE. Thank you.

Dr. Howe, in your capacity as president of the National Association for Biomedical Research, do you not encourage your members to follow the Animal Welfare Act?

Dr. HOWE. Well, first of all, I'll say that we encourage our members to do so. At the same time, I want to have a disclaimer. I'm a member of the board of the National Association for Biomedical Research.

Mr. ROSE. Well, we just elevated you to president.

Dr. HOWE. That's right. I'm president of the Texas Society for Biomedical Research.

Mr. ROSE. But you support the Animal Welfare Act?

Dr. HOWE. Correct.

Mr. ROSE. And you would encourage your members to support the Animal Welfare Act?

Dr. HOWE. Correct.

Mr. ROSE. Would you also encourage your members who do research to refrain from using stolen animals?

Dr. HOWE. Absolutely.

Mr. ROSE. I have an amendment to this bill that simply says—it doesn't touch any of the other provisions of it—it just simply says that this bill shall not apply to any facility that has sold, purchased or received a stolen animal or has otherwise violated the provisions of the Animal Welfare Act.

In other words, as much as I disagree with some of the things that Mr. Stenholm has put in his substitute, if I can get my colleagues on the subcommittee to agree that it doesn't apply to a research facility that has received stolen animals or has otherwise violated the provisions of the Animal Welfare Act, I think we will make some progress.

Are you aware, Doctor, that in 1985 Congress passed some amendments to the Animal Welfare Act? In the 1985 farm bill?

Dr. HOWE. Yes.

Mr. ROSE. You're aware of that, aren't you?

Dr. HOWE. Yes.

Mr. ROSE. And are you aware that as of this date the regulations implementing the Animal Welfare Act amendments of 1985 have not been written?

Dr. HOWE. Yes. Two-thirds of the rules were final as of October 1989, but, very importantly, the enforcement programs have never been interrupted as the new programs have been developed.

Mr. ROSE. I have a "Dear Colleague" letter from Alan Cranston, Bob Dole, Harry Reid, Thad Cochran, Joe Biden, George Mitchell, Dan Akaka, James Jeffords, Wendell Ford, Quentin Burdick, and Claiborne Pell to Richard Darman, Director of OMB, with a copy to Clayton Yeutter, saying, "When are you going to put into effect those regulations?" Do you object to the implementation of those regulations?

Dr. HOWE. No, those regulations are, it's my understanding, there are two-thirds of them done, and the balance are going to be published very soon, and I think that was the intent of those gentlemen that you mentioned, of getting those things done and getting them out.

Mr. ROSE. Thank you very much.

Mr. BROWN. Do we have any other members who desire to interrogate these witnesses?

Mr. GLICKMAN. Can I just ask—oh, Mr. Volkmer hasn't asked any yet.

Mr. VOLKMER. Well, you can go first.

Mr. GLICKMAN. May I just ask Mr. Cotreau or Dr. Kullberg a question What is your organization again?

Mr. COTREAU. I'm here representing the Society for Animal Protective Legislation.

Mr. GLICKMAN. Tell me a little bit about the Animal Liberation Front or what you know about the most extreme members of the animal rights group. What are we talking about here?

Mr. COTREAU. To be perfectly frank with you, I have no better idea than you do. We have no contact with anyone but animal welfare people who are our members.

Mr. GLICKMAN. Dr. Kullberg, do you know anything about this? I mean, do we have a real clear and present danger with some of these radicals who may be prone to violent activity?

Mr. KULLBERG. It's the predictable bell curve phenomenon. In every movement, there are individuals on both sides of the middle, and there are extremists. Extreme conservatives, extreme radicals.

In the animal rights movement, there are some very, very angry people, in large part frustrated by the fact that existing laws are not being enforced. The Federal Animal Welfare Act—the average, I believe, now is 1.5 visits a year by APHIS to research facilities, some research facilities that are well-known to have documented cases of animal abuse, and there are radicals, people who lead often with their emotions rather than understanding that we live in a land of law and order, who decide they'll take matters into their own hands.

Is there a horrendous present danger of this? If I were to suggest to you that any movement does not have that element, you would laugh at me. Is there a danger that ALF may be doing something right now in some laboratory or releasing some animals that are being inappropriately cared for on some farm, could it be happening right now? It could. Are some of these radicals from one State and another State, and do they get together and talk about what might be done in a third State? I believe they do. I believe they are

an extremely small number of people, amazingly, for a movement as large as the animal rights/animal protection movement.

I think that existing laws certainly, when these individuals are identified, can well adjudicate what offenses they commit, and to steal is an offense, to destroy is an offense, and the law certainly will deal very strongly with these individuals if found, and it certainly isn't in the volume that other great movements and causes in this country have had as they have sought a more ethical and a more humane arena to include the cause that they espouse.

Mr. GLICKMAN. I think that it's important to recognize that there are these extreme radical movements in every organization, and we have taken action to pass laws to protect ourselves against them if we believe that the threat is large enough and there's some reason that the existing law enforcement authority is not sufficient to deal with it.

I guess my concern here is, has a case been made on the record that the existing law enforcement authority is not sufficient to deal with it, or is this bill merely to prove a political point that we're going to pass a law that gets back at these people? That's not why we pass criminal laws. That may be why we pass resolutions of how we feel about issues, but criminal laws have to be based upon the fact, is there an ineffective law enforcement mechanism there.

For example, Mr. Chairman, I'm not sure if there isn't right now a conspiracy statute under the Federal laws to commit arson, to cross State lines and commit arson. It would be interesting to know what the range of criminal statutes there are in existing law, Federal statutes, to deal with this particular kind of problem, and I guess that's my concern about this legislation as I think about it.

Mr. KULLBERG. Mr. Glickman, could I add one other thing? All of us in this room are increasingly frustrated in our private lives as well as what we read in the newspapers with regard to seeming acts of vandalism, seeming horrible examples of people taking advantage of some opportunities they are given in their professional life, going unpunished, getting away with it, not being discovered. We at times seem to be almost in a period of anarchy in this country rather than in a period of law and order.

But the problem isn't that a law doesn't exist; the problem is that law enforcement authorities and the courts need proof to proceed, and simply passing another law and then a law after this to protect abortion clinics from extremists and then a law after that for something else, we're going to have a lot of laws on the books, but until we really put meat into our law enforcement, then we're not going to get very far in this country.

Mr. GLICKMAN. I guess my final point is that in the Judiciary Committee on which I serve, right now we're dealing with the basic crime bill, and there we're talking about enough U.S. attorneys, enough judges to prosecute drug cases, and under this bill every farm in America becomes an animal facility. Every single farm in America becomes an animal facility for the purposes of this statute. It sure does. If you define animal facility, if it's got—counsel, is that right? Do we have a counsel there?

Mr. VOLKMER. If the gentleman will yield, I'd just like to point out, I can show you a lot of farms in my State, and I'm sure there are in Kansas, that don't have animals.

Mr. GLICKMAN. Well a farm that has animals. The gentleman is correct, but I might point out that the animal facility includes any vehicle, car, building—it could be a car that you're breeding animals in—any vehicle, building, structure, research facility or premise where an animal is kept, handled, housed, exhibited, bred, offered for sale, or used for recreation.

I guess my point is that we've got a limited amount of Federal judges in this country, we've got a limited amount of prosecutors in this country, and conceivably you're talking about every farm in America where animals are kept, plus a lot of places in town where they're kept as well. Not just on the farm. My question is, is this an appropriate use of very tight restricted U.S. attorneys and Federal judges and prosecutors and investigators when we've got a drug epidemic in this country? What's the more serious problem for us to deal with?

Thank you, Mr. Chairman.

Mr. BROWN. It is the Chair's intention, as soon as the members of the subcommittee feel that they have interrogated these witnesses sufficiently, to excuse them and then to call the representatives of the Department of Justice and APHIS to the table, not for testimony but to answer any questions that we might have. Now, are there further questions of this panel?

Mr. VOLKMER. I'd like to perhaps comment on some things that have been said by my colleague, if that's permissible.

Mr. BROWN. The Chair will allow the gentleman.

Mr. VOLKMER. In answer to the gentleman from North Carolina and his proposed amendment, I would just like to say I don't think it would be quite fair to say to an institution that because you have a stolen animal, an animal that had been previously stolen, on your premises that you are no longer able to seek dollars or anything else unless you say that they knew it to be stolen.

Many times people receive stolen property, and they're not prosecuted for it unless they know that they have received stolen property.

Mr. ROSE. Will the gentleman yield?

Mr. VOLKMER. Yes.

Mr. ROSE. I don't have any intention to take away any research funds. All I'm saying is if they knowingly receive stolen animals—

Mr. VOLKMER. Knowingly receive. You didn't say that before. It was just if you had one on the premises.

Mr. ROSE. Right. Receiving stolen property—

Mr. VOLKMER. Which means the people on the side that are against that institution, all they have to do is go out and steal a cat or a dog or whatever that institution uses, provide it to the institution, and then go in and say, "We stole it, so therefore you've got stolen property."

Mr. ROSE. All I'm trying to do is make the institutions take prudent steps and measures to make sure that they are not receiving stolen property—

Mr. VOLKMER. I have no objection to that.

Mr. ROSE. And if they do, not cut off their research funds, Harold, but just to say that the Stenholm bill doesn't apply to them.

Mr. VOLKMER. All right. As a former prosecutor, I have to disagree a little bit with the gentleman from Kansas in the characterization of the first prohibitive act. It says, and there's an "and" down there "to disrupt," they have to "acquire or otherwise exercise control over an animal facility and to disrupt or damage the enterprise conducted at the animal facility." That's not just standing there talking about it.

Mr. GLICKMAN. If the gentleman will yield, it says, "with the intent to deprive," and the question is do they actually have to disrupt or damage, or is it with the intent to disrupt?

Mr. VOLKMER. It says, "and to disrupt or damage the enterprise."

Mr. GLICKMAN. And my question to that is what does disrupt mean?

Mr. VOLKMER. All right. Then I'd say you also at the same time have to exercise control over the animal facility, and to me that envisions actually controlling it where people cannot have free movement in it, cannot be able to enter or leave, that's control. Therefore, I think it's a little bit different than just standing up and using freedom of speech.

The other thing I'd like to ask Dr. Kullberg a little bit about, I've read the joint resolutions, and I see some things in there that I think many people of the United States disagree about. But by pushing these areas, and you're saying this is the way the world should be, but the world, in my opinion, you're a minority, therefore isn't going to be that way. But if others agree with you and they see that, hey, it isn't happening, therefore I'm going to make it happen, aren't you really promoting extremism?

Mr. KULLBERG. Mr. Volkmer, I go to church every Sunday.

Mr. VOLKMER. Fine. I try to, also.

Mr. KULLBERG. I listen to that priest, and he puts forward what would be the most appropriate way for me to live my life and teach my children and protect my family, and I do the best I can. I thank that priest for the ideal, but I'm not too egotistical to acknowledge to you I don't always reach that ideal. I think it is very, very important for this ethically based movement, the oldest of its kind in the Nation—it started in 1866, when Henry Berg, our founder, got the first humane law in America passed, and it was an animal rights law, because they said you've got to go get law enforcement people to enforce it. A right without enforcement doesn't count.

The animal rights movement goes back to 1866 in this country, and it has spawned laws to protect children, it has spawned laws to protect all sentient creatures, and it's good they're there. Do we always reach perfection? No, we do not always reach perfection. But those are the ideals, that's the agenda for the 1990's, that's how we think, that this country could become a little closer to a more appropriate ethical base that will help all of us—you, I, our children—will help people generally understand that we just don't be selfish but that we take into consideration other sentient creatures.

Mr. VOLKMER. I personally disagree with the resolutions, and I think a majority of the Americans disagree with some of your resolutions, but I still feel that you have that right to propose them. But my question still is, among those in the group that are a liberation front or whatever they are, those types of people may look

upon it—I know they look upon it different, because I've read some of their information, and, as I understand it, those people equate an animal equal to man. You do not do that.

Mr. KULLBERG. I certainly don't equate in the way you and I are talking, an animal equal to man, but I think that sometimes what they're saying is that we should understand that as we can sense and feel pain and experience life around us, so can those animals, and to assume that they don't and therefore they're simply there for our bidding and to do what we want with them and then throw them away, that's wrong. That's my definition of it.

If someone tells me that I'm equal in all ways to the ant and the monkey and the dog and the cat, I could have an interesting discussion with that person just as well as you could.

Mr. VOLKMER. Well, you're not a vegetarian, are you?

Mr. KULLBERG. I certainly am, sir.

Mr. VOLKMER. You are a vegetarian?

Mr. KULLBERG. Absolutely. But I've been in this movement now as president of this organization for 12 years, and I'll tell you if you had been in this chair for 12 years and if you knew what I know about what goes on, particularly in farming today, not only for health reasons but also for cruelty reasons, you would have a lot of reasons to be a vegetarian also, so I have found ethically I don't have a choice.

We're considering, I hope, in the farm bill, for example, veal calf legislation. What goes on in the name of raising calves for the white veal trade today is horrendous by any objective person who looks at it, but we allow it to continue, and hopefully this Congress is going to change some of those things.

Mr. VOLKMER. Well, Mr. Kullberg, you and I disagree on a lot of things, and I think you're close to being that radical.

Mr. KULLBERG. I don't think I'm a radical, sir. I think I think things out, though.

Mr. VOLKMER. Not all farm animals are treated with cruelty.

Mr. KULLBERG. Not all farm animals are treated cruelly, true. That's true. They are not all treated cruelly.

Mr. VOLKMER. Let me ask you a question just out of curiosity. You've really got my curiosity now.

If I may, Mr. Chairman. I think it's necessary to get where people are coming from when you get testimony to find their viewpoint.

Mr. BROWN. Without objection, the gentleman may proceed. Somebody is going to object pretty soon.

Mr. VOLKMER. Is it cruelty to an animal for a person to raise chickens in order to eat them?

Mr. KULLBERG. It depends on how they raise the chicken, sir.

Mr. VOLKMER. Those people raise the chicken, they cut off their head, they take the feathers off, take all the guts out, and they cut them up and fry them and eat them. Is that cruelty?

Mr. KULLBERG. Sir, as my mother used to tell me, give me my roses while I'm alive. My concern, to be blunt with you, is how the chicken is raised. Is it raised in a situation where the ethologist—not me, not you—the person who understands chickens very well, they've studied whether they can experience pain, what causes suffering for a chicken. It's a branch of science called ethology.

If the ethologist tells me that to debeak that chicken and to put three of them in a cage 1½ feet by 1½ feet and to let them live out their lives in that condition, that that's cruel, then I'm going to listen to that ethologist, and I'm going to be upset by it, and that's the part I don't like.

The killing of that chicken can be done many different ways. If it's done very quickly and painlessly, I am not going to lose sleep over that. But I am concerned in the living conditions on how that chicken is being raised, and I think you should be and this committee should be concerned, and one day I would hope this committee does put forward the first law in America that will protect farm animals, because currently, of all the animals—research, companion animals, wild animals—it's ironic that in the high volume of animals, over 5 billion farm animals in this country every year, 5 billion farm animals raised, there is not one Federal law protecting against cruelty to those animals.

Mr. VOLKMER. Mr. Kullberg, have you ever been out to, say, places like Missouri, where we have a lot of farm animals?

Mr. KULLBERG. Yes, sir, I have.

Mr. VOLKMER. Have you looked at those farms?

Mr. KULLBERG. I haven't visited farms in Missouri, but I've visited quite a few in New York State.

Mr. VOLKMER. Well, in my State, my farm owners feel that that animal, whether it's a small calf, pig, sow, whether it's a lamb, whatever it is, that that's money to them. They take good care of it. That's an investment. Some of them are probably better animal welfare people than a lot of city people who have pets that they let run stray and everything else and don't feed them regularly.

Yet, you give the impression, and I've read this in your resolution, you give the impression that you don't say that most farm animals are cared for properly and done well by, et cetera; you just criticize certain operations in farm animals. It leaves the impression to me that you think most of my farmers are out there just ruining their farm animals.

Mr. KULLBERG. Sir, two comments. One, most of what you said is pretty correct. I happen to run the busiest animal shelter program in America, and I know how cruel people can be to their companion animals, throw them away, mistreat them, terrible things go on. I also know that there are many farmers out there, and particularly the small farmers who care very, very much about their animals, lose sleep, do the best they can by those animals.

That's one reason why not so long ago I appeared before this committee in support of low-input sustainable agriculture, which, in my view, is designed to get away from intensive husbandry practices that cram thousands upon thousands of these animals into small environments and leave the human character out, this great industrialization today that we have of the farm industry.

I'm for the small farmer. I'm for that farmer protecting his farm animals. I think we need to relook at what's going on down on the farm and look at what's going on in the name of intensive animal husbandry, just as Sweden did. They passed a grand law to protect farm animals in Sweden that didn't say you can't eat them, that didn't say you can't raise them, but said if you're going to raise

them, raise them humanely, and if you're going to eat them, then kill them humanely.

I think if we can get that far in my lifetime and yours, we'd come a long way in this country for a more humane ethic down on the farm.

Mr. VOLKMER. Well, you have yet to persuade me, and others have yet—and I'm going to quit with this—yet to persuade me that there is sufficient cruelty to animals by farmers that I need to pass legislation to protect those animals.

Mr. KULLBERG. I hope I can change your mind one day, sir.

Mr. BROWN. The gentleman from Indiana has not had an opportunity to weigh in.

Do you have any questions?

Mr. JONTZ. No, I do not.

Mr. GLICKMAN. But he has an amendment. [Laughter.]

Mr. BROWN. The Chair is probably making an unnecessary comment when he states that this is the kind of legislation that calls for the very best in legislative skills. It's again in many ways to the issues such as abortion or flag burning, which arouses very strong emotional feelings on both sides of the issue, and I would urge the members to recognize this and to see if we can't produce some constructive results if indeed the situation warrants legislative action.

With that word of wisdom, may I express my thanks again to the panel.

Ms. Trull, we didn't hear from you. Do you have any parting words?

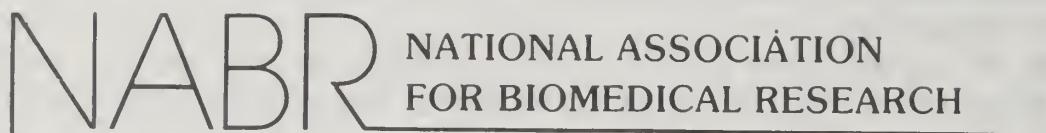
Ms. TRULL. No, but thank you for asking.

Mr. BROWN. All right.

We thank all of you for your contribution this morning. We recognize that we could spend a lot more time discussing the matter, but we're prepared to move ahead at this point. Thank you very much, and you're excused.

[Whereupon, at 12 noon, the meeting was adjourned to reconvene, subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]



Statement of the
National Association for Biomedical Research
on H.R. 3270, "Farm Animal and
Research Facility Protection Act"

before the
U.S. House of Representatives
Subcommittee on Department Operations,
Research and Foreign Agriculture
Committee on Agriculture
George E. Brown, Jr., Chairman

Presented July 17, 1990

by John P. Howe III, M.D.
President, The University of Texas
Health Science Center at San Antonio and
Member of NABR Board of Directors

The National Association for Biomedical Research (NABR) is a non-profit organization established in 1979. Its membership includes more than 325 institutions -- universities, medical and veterinary schools, teaching hospitals, voluntary health agencies, academic and professional societies, as well as pharmaceutical, laboratory animal breeder and other research intensive companies. All members are directly involved with and vitally interested in sustaining and improving life through scientific investigations and education which of necessity rely upon the use of laboratory animals.

NABR supports the responsible use and humane care and treatment of laboratory animals in research, education and product safety testing. Further, the membership believes that only as many animals as scientifically necessary should be used; that any pain or distress animals may experience must be minimized; and that alternatives to the use of live animals should be developed and employed, wherever feasible.

Still, the Association recognizes that now and in the foreseeable future it is not possible to completely replace the use of animals and that the study of whole, living organisms is an indispensable element of biomedical research and testing that benefits all animals.

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to come before you today and express the strong support of the research community for H.R. 3270, the "Farm Animal and Research Facility Protection Act."

The eminent neuroscientist and Nobel Laureate, David Hubel, tells the story of attending the recent 100th anniversary program at the Johns Hopkins Medical School. A half dozen national medical leaders spoke about the problems confronting modern medicine. Everything from AIDS to our legal system was discussed with one exception -- not one speaker mentioned the animal rights movement. Dr. Hubel asked his host, a world-renowned neurophysiologist, why this was so. The answer Dr. Hubel received was, "David, they're scared to death."

Is it any wonder when you consider that earlier this year the Dean of the University of Tennessee Veterinary School was tragically murdered and the media reported not only that police were investigating a possible animal rights connection but also that a fringe group had threatened to kill a veterinary dean a month. I must emphasize these rumors remain unconfirmed and are most likely untrue. Still, it is significant that many in the research community believed they could be true. We had no reason to doubt that a fanatic had finally acted out a threat commonly received by biomedical researchers who use laboratory animals in their work. I personally have received such death threats and my experience is far from unique.

The climate of fear in the research community created by terrorists must be ended. It has clearly become necessary to make it a federal crime to break into research facilities, steal research animals and data, threaten the safety of research staff and damage or destroy research equipment and laboratories. NABR comes to this conclusion because:

- Crimes against research facilities are increasing in frequency and severity. Three years ago, animal rights inspired vandalism and theft were the problem. Now, we are contending with arson and radio controlled bombs. Last month in England, a researcher narrowly escaped death when her car exploded from a bomb planted by animal rights extremists. Police believe animal liberationists are also responsible for the explosion of a University of Bristol researcher's car later the same week. A baby was seriously injured in that blast. Our situation in the U.S. must not be permitted to escalate as it has in Great Britain.

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More than 70 serious criminal acts involving U.S. research facilities have occurred in the last 8 years -- including theft, arson, bomb threats and destruction of property. These figures do not include civil disobedience not resulting in arrest or cases involving individuals who have obtained jobs in laboratories under false pretenses in order to disrupt research. Since this subcommittee's last hearing on the subject in February, two more research facilities were hit by animal rights motivated break-ins.

The first arson in the U.S. for which animal extremists claimed responsibility, a crime costing \$5 million for replacement of a veterinary diagnostic laboratory at the University of California, Davis campus in 1987, has been followed by other acts of arson. This is an alarming trend. A pipebomb was planted in a U.S. research facility parking lot by an animal activist in 1988. This type of violence must not be permitted to escalate as it has in Great Britain, where car bombs are now a standard tactic of the animal rights movement. On June 6, 1990, a British veterinarian narrowly escaped with her life when her car exploded into flames from an animal activist bomb. In another incident not a week later, a thirteen-month-old baby was hospitalized with injuries sustained in the explosion of an animal researcher's car on a Bristol, England, street.

In this country, the victims of animal rights-inspired crimes are subjected to a continuing campaign of harassment and intimidation.

-- Following the break-in, theft of animals and destruction of equipment at Texas Tech University, the principal investigator's home address was published in activist newsletters and readers were encouraged to write to him. He received hundreds of letters including numerous death threats and a condom the sender claimed was infected with the AIDS virus. A second attempt was made to break into his Texas Tech laboratory. The case began almost a year ago but, despite excellent reports of two separate federal investigations exonerating the project, harassment continues. Activists recently rented billboards in communities surrounding Texas Tech to condemn the work of this researcher.

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- The University of Arizona's laboratory animal veterinarian, whose office was burned down by the "Animal Liberation Front" (ALF), subsequently received threatening letters and phone calls, magazines and other things he did not order. Eventually, the letters stopped -- along with all his other personal mail -- when someone changed his address with the local post office to somewhere in New York. Photocopies of a letter on University stationery over his forged signature were sent anonymously to his wife and university administrators. The bogus letter was addressed to a nonexistent woman and was designed to convey the impression that the veterinarian was having an extramarital affair. The forgery criticized the University, expressed his dissatisfaction with his job and marriage and ended with a plea for her to join him in Arizona.
- Another researcher on the University of Pennsylvania faculty received a supposedly AIDS-infected condom from an anti-vivisectionist, along with hate mail and threatening telephone calls, after his office was broken into and files and data were stolen by the ALF several months ago. According to activist groups, this individual was targeted because he has been outspoken in support of research which requires animals. The researcher's home has been picketed and "watched" by unidentified people who have made derogatory comments to his family members. People for the Ethical Treatment of Animals (PETA) has organized a letter-writing campaign in which 100 letters have been sent to this researcher's neighbors. The letters refer to him by name and address, suggest that he performs abusive research which wastes their tax dollars, and imply that he may be using their lost pets.

Many crimes go unreported or unpublicized to protect personnel and their families. For example, in answer to a question during a February 1990 hearing before the House Subcommittee on Health and the Environment, the Director of Yerkes Primate Research Center said his facility experienced five break-ins and numerous telephone threats which were unreported and not counted in above statistics.

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- Crimes against research facilities and staff are a national problem. The criminal activities of some in the animal rights movement can only be called terrorism. These individuals break the law in order to further their cause of ending all research involving animals. In the process:
 - the public health is threatened.
 - the cost of biomedical research is increased.
 - federal tax money is wasted.
 - researchers are intimidated and demoralized to the point that important animal research is likely to be abandoned or never even begun.

All those waiting for cures and better treatments suffer delay in benefits of research when animal extremists' crimes senselessly destroy research.

Public health is threatened, not only through the loss of research time and data, but also because "liberated" animals may be infected with dangerous disease.

Federal tax dollars are often involved when federally funded research projects at universities are the targets of crimes committed in the name of animal rights. Federal property may also be involved -- such as when chimpanzees were stolen from a National Institutes of Health contractor in 1986 and a U.S. Department of Agriculture laboratory was broken into and animals infected with toxoplasmosis were stolen in 1988.

The illegal activities of animal rights extremists are increasing the cost of conducting research -- funds that should be supporting actual research are diverted to security systems, increased security personnel and crisis management. Medical schools alone have spent more than \$11.3 million in the last 5 years as a result of animal rights related losses. In addition, medical schools are spending at least \$6.3 million annually to protect research programs and faculty and staff must spend more than 30,000 hours a year on animal rights crisis management, according to preliminary results of a survey just conducted by the Association of American Medical Colleges.

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Researchers are demoralized and intimidated by personal threats to them and their families, loss of years of work and undeserved public vilification. The climate created by the groundless accusations and unchecked crime wave of anti-research elements is certain to reduce scientific creativity and productivity. Further, it is feared researchers will abandon work which requires animal models and young people will not choose to enter the biomedical research fields.

- Crimes against research facilities and staff are committed with impunity. Only three convictions of persons involved with these incidents have been obtained. We are encouraged that eleven states have recently passed laws increasing penalties for crimes which disrupt research and two other states are now considering new laws. However, states will not be able to solve this problem alone. In addition to more effective state protection, meaningful federal participation will be required to successfully investigate and prosecute those responsible for attacking animal research.

Only three convictions have ever been obtained, aside from the periodic arrests of demonstrators for trespassing, blocking entry or assaulting a police officer. One individual was convicted both for possession of explosives in New York federal court and attempted murder in Connecticut. A participant in the 1987 break-in and theft at the University of Oregon was fined and paroled. A couple was sentenced to community service for receiving stolen property in connection with a 1986 break-in and theft at the University of California, Riverside.

Since 1988, eleven states have passed stronger laws to protect research facilities -- Arizona, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota and Utah. Currently, legislation making it a Class 4 felony to break and enter into an animal research or agriculture facility to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment or animals is on the governor of Illinois' desk. Similar legislation is pending in New York.

Although better deterrents are essential at the state level, for the reasons discussed below, it is still necessary to have federal cooperation to investigate and

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rosecute crimes perpetrated against research. Nothing in the Farm Animal and Research Facilities Protection Act may "be construed or interpreted to preempt, limit, restrict or otherwise affect any state law or regulation." However, state law enforcement agencies require the resources and assistance of federal authorities to augment their efforts.

- Animal rights inspired terrorism is both interstate and international in scope. Similarities in events and methods suggest conspiracy may be involved. State and local law enforcement agencies are not authorized or equipped to conduct interstate or international investigations. Only the U.S. Department of Justice and the Federal Bureau of Investigations are in a position to fully pursue crimes of this type.

The modern animal rights movement and its tendencies toward violence and terrorism in Great Britain predate the experience in this country. Scotland Yard has been dealing with animal extremists longer and more effectively than have US law enforcement agencies. There is evidence to suggest that activist leaders share strategies and may be connected on a worldwide basis. A link to the expertise and information available from international authorities, such as the Federal Bureau of Investigation, would prove very useful in apprehending those who are controlling and committing crimes in the name of animals.

We know, from press interviews with disguised individuals who claim to have participated, that the Animal Liberation Front (ALF) attacks in one state and flees over state lines. Also, an ALF break-in, theft or arson occurs at night in Texas or Pennsylvania, and the next day spokespersons for ALF hold a press conference in Washington, D.C. State and local law enforcement agencies are not authorized or equipped to conduct the interstate investigations and prosecutions which are called for in such cases.

It has been a problem in the past that state and local police are uninformed about the operation and objectives of the ALF and similar groups. Local police have not understood the significance of the theft of a few lab animals on research efforts and public health. This situation is changing, as is evidenced by the passage by

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eleven states in the last two years of new laws increasing the penalties for crimes against research facilities. Still, much more needs to be done at the state and local level to help prevent and punish crimes which impede research.

Regardless of the quality of local law enforcement efforts, for the reasons stated above, federal intervention is also essential. In addition to effective state and local law enforcement, we need:

- FBI resources and a national database for interstate investigations.
- A communications network to facilitate the interstate and international flow of information.
- Federal court jurisdiction when state and local systems are inadequate or not appropriate, i.e. there is insufficient subpoena power or no grand jury function.
- Federal protection of research facilities does not limit free speech, infringe on First Amendment rights or stop legitimate "whistle-blowers." We are not seeking to stop legitimate debate or to stifle opinion. We are seeking an end to criminal means of expressing opinions. Surely, the discussion of animal welfare issues will benefit from eliminating the club of terrorism being wielded by some animal rights extremists.

The U.S. Constitution prohibits restricting the content of expression, but it does not grant the right to employ every conceivable method of expression. Although we may not agree about whether it is lawful to burn the American flag, there is no question it is a crime to steal one. Those who oppose the use of animals in research are free to express their beliefs in a lawful manner, but not to break the law in the process. H.R. 3270 affects already illegal methods of expression, not any particular message.

Regarding the status of so-called "whistle-blowers," the Animal Welfare Act requires research facilities to train all staff to report deficiencies in animal care and treatment. Institutional Animal Care and Use Committees are charged by the Act to investigate these and other public complaints. Congress indicated in the conference

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July 17, 1990

report accompanying the recent amendments to the Act that no employee is to be discriminated against for reporting problems in animal care. Proposed legislation does not change these existing legal requirements.

Beyond having a channel within the institution to register complaints, whistle-blowers are not prevented from reporting their concerns to animal protection organizations, federal agencies, the media or Congress, if they desire to do so. However, they must not employ illegal means, such as breaking and entering or theft of property, to make their point.

- In summary, NABR strongly supports the Farm Animal and Research Facility Protection Act because it --
 - Offers a much needed national solution to a national problem.
 - Is essential to augment state and local law enforcement efforts.
 - Appropriately increases penalties for crimes which have a devastating impact on research programs and staff.
 - Provides a stronger deterrent to criminal elements within the animal rights movement.
 - Hopefully will result in the apprehension and conviction of those responsible for the rising tide of terrorist acts which threatens the future of research.

The challenges now facing medical scientists and educators are indeed formidable. AIDS, Alzheimer's, cancer, substance addictions and a host of other plagues must be conquered. Our efforts to do so must forge ahead within unavoidable financial constraints and despite inevitable obstacles. Although the leadership gathered at Johns Hopkins 100th anniversary did not mention it, the animal rights movement is presenting one such obstacle. I can assure you that the NABR membership is committed to meeting this challenge by continuing to educate the public about the absolute need for responsible, humane research using laboratory animal models.

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The animal rights controversy is certain to continue and NABR and its members pledge to be responsible participants in that debate. What must not be permitted to continue is the criminal element which is attempting to silence reasonable discussion.

To succeed in overcoming the opposition to essential research, we also must have Congress' help. No scientist should have to live in fear of his work being sabotaged or destroyed because of criminal protests by some who hold animal life more precious than human life. No researcher should have to be afraid his life will be in jeopardy if he speaks out against the animal rights viewpoint. No bright young person should be dissuaded from entering a biomedical research career because that choice would make him and his family terrorist targets.

The research community is heartened by the legislation before this subcommittee today. We are grateful to Mr. Stenholm for its introduction and to the nearly two hundred Congressional cosponsors, including many members of this subcommittee, who have supported it. NABR urges swift passage of H.R. 3270 so that biomedical researchers and their mission will be afforded the best protection possible -- protection that they and the beneficiaries of research deserve.



AMERICAN VETERINARY MEDICAL ASSOCIATION

GOVERNMENTAL RELATIONS DIVISION • SUITE 300

1023 FIFTEENTH ST., NW • WASHINGTON, DC 20005 • PHONE: 202/659-2040 • FAX: 202/842-4360

Statement of the

**American Veterinary Medical Association
and**

Association of American Veterinary Medical Colleges

in Support of

**The Farm Animal and Research Facilities Protection Act
(HR 3270)**

Presented by

**Dean Edward Rhode, College of Veterinary Medicine
University of California, Davis**

and

Dr. John Freeman

American Veterinary Medical Association Executive Board

June 14, 1990

Good morning Mr. Chairman and members of the subcommittee. It is my pleasure to testify before you today to urge rapid passage of HR 3270, the Farm Animal and Research Facilities Protection Act. I am Dr. Edward Rhode, Dean of the College of Veterinary Medicine at the University of California, Davis. I am accompanied by Dr. John Freeman, a veterinarian and farmer from Franklinton, North Carolina, who serves on the Executive Board of the American Veterinary Medical Association. Together, we will present the views of veterinary medical research and animal agriculture.

At the outset, I would like to stress the veterinary medical profession's commitment to animal welfare. The nature of veterinary medical research is such that it benefits both humans and animals, by addressing animal health and food safety questions, as well as issues of proper care and preventive medicine. Research conducted in schools of veterinary medicine is carefully regulated by the National Institutes of Health and the US Department of Agriculture, and is overseen by institutional animal care committees and attending veterinarians.

The Veterinarian's Oath affirms our professional commitment to the protection of animal health and the relief of animal suffering. I must tell you that I took great offense at the statement in the hearing charter which said that HR 3270 is opposed by "both animal welfare and rights groups." I am here to say that the veterinary medical profession is one animal welfare group that strongly supports passage of this legislation.

Likewise, this legislation enjoys broad support throughout the agricultural community. The American Feed Industry Association has compiled a listing of 48 national, 19 regional and 227 state producer-related groups that have endorsed HR 3270. Good livestock and poultry producers are increasingly attentive to the welfare of their animals. The animal's health and welfare and the survival of the producer's business are inextricably entwined. Producers are more knowledgeable about the health and welfare of their charges than were their counterparts in the past. This trend toward greater professionalism in all aspects of livestock and poultry production, including a sensitivity to animal welfare, will

continue.

Nearly one year ago, AVMA President Samuel Strahm contacted Rep. Stenholm to pledge the veterinary medical profession's support for the Farm Animal and Research Facilities Act, because it "reflects the recognition at the highest levels of government that illegal acts perpetrated in the name of animal rights threaten our nation's farm economy and the research that contributes to the phenomenal productivity of American agriculture." The Federal Bureau of Investigation has classified the Animal Liberation Front as a domestic terrorist organization. I believe that these views succinctly capture the nature of the problem that we are confronting today.

One of the most senseless acts of animal rights terrorists, and the one that brought the danger of the animal rights movement home to me, was the intentional burning of the partially completed, state-of-the-art California Veterinary Diagnostic Laboratory in 1987. This diagnostic facility serves California agriculture and consumers by supporting livestock and poultry disease control and by helping to protect both animals and humans against diseases common to both. The work done in this facility provides direct and immediate benefits to both animals and humans, yet it apparently is not acceptable to animal rightists.

Evidence found during the investigation of the arson confirmed that the fire was deliberately set and that Animal Liberation Front members had painted "ALF" in red paint on the interior walls before setting the blaze. Not only did the fire end up costing more than \$5 million, it also added more than a 1-year delay to completion of the facility, a year that cost considerably more than \$5 million in terms of animal and human health. Now, 3 years later, despite the fact that state and local law enforcement authorities have uncovered several promising leads, the statute of limitations has expired. Therefore, it remains the responsibility of federal authorities to bring the perpetrators to justice.

Previous incidents, such as the well-known break-in at the University of California, Riverside, in Chairman Brown's own district, which resulted in \$700,000 in damage

including the loss of 260 animals, computer and laboratory equipment, underscore the threat of these activities. More than 100 acts of vandalism and violence, as counted by the FBI, in addition to countless threats, are paralyzing the research community.

Incidents involving the School of Veterinary Medicine at the University of Pennsylvania point out other disturbing trends in these mindless acts of vandalism. In 1984, dogs used for arthritis research, cats used in the investigation of Sudden Infant Death Syndrome and pigeons used in wing repair studies were stolen from the veterinary school. Earlier this year, Dr. Adrian Morrison, a veterinary neuroanatomist on the Penn faculty, had his office looted and vandalized as a "warning" from the animal rightists to stop his outspoken support for the use of animals in biomedical research. I would venture to guess that a majority of the schools of veterinary medicine in this country have received threats or have felt the impact of animal rights terrorism.

At the last hearing on animal rights terrorism and facility protection, concerns were expressed regarding the necessity of legislation to protect agriculture. Let me affirm that this protection is as essential for animal production as it is for research. Not only do farmers rely on the research conducted in schools of veterinary medicine and in veterinary and animal science departments to improve their production practices, but they face the threat of animal rights terrorism on their own farms. These activities have caused farmers to question whether they should invest the considerable capital necessary to build new animal facilities. The spate of vandalism and destructive activity that has taken place over the past few years gives weight to these fears.

The offices of the North Carolina Cattlemen and the California Cattlemen have been vandalized. Earth First! has taken credit for the burning of the Dixon Livestock Auction Market in California. This last incident, in which animals would have burned to death had the fire not been discovered quickly, presents an even more alarming twist. In this case, a radical environmental group, rather than an animal rights group, claimed credit.

This intimidation must be condemned. When people or animals are targeted, the well-being of all is in jeopardy. Someone is going to get hurt. Animals that have been "liberated" may not receive the care or attention they require. Animals that carry zoonotic diseases, like the cats stolen from the USDA laboratory in Beltsville which were infected with toxoplasmosis, pose health threats to ignorant liberationists and to other unknowing humans that may come into contact with them. Finally, the greatest danger is faced by the unsuspecting research facility or farm employee who may have his or her life endangered during a bomb or arson attack, perhaps as he or she heroically tries to save animals left in a burning facility. Who, you might ask, truly has the animals' welfare at heart?

Animal rights and other terrorism threaten research and agriculture. The costs cannot be measured simply by the dollar value of buildings, computers and animals. Who can place a value on knowledge, on a delayed cure, or on a would-be scientist deterred from a fruitful career? The costs of added security may be easier to compute. In order to provide 24-hour protection to a facility, 4 to 5 full-time security guards must be hired. Expensive security systems must be installed. The public's access to research is curtailed.

Terrorist activities threaten human and animal lives. The current legal framework is clearly inadequate to provide a sufficient deterrent to these activities. Not only does the federal government have a clear interest in protecting the research that it funds, it has an obligation to the American people to take action against the coordinated pattern of violence that is evident, particularly with regard to the Animal Liberation Front. State and local legislation, although welcome, is unlikely to be sufficient to combat this problem. A patchwork of state laws is more likely to further complicate the enforcement process.

In order to maximize efficient use of limited investigative resources, to facilitate coordination and to reap the full reward of leads and information that are uncovered, it is essential for information to be shared among jurisdictions threatened by these terrorist activities. The Farm Animal and Research Facilities Protection Act is the best way to

encourage this to happen.

Many in Congress clearly support HR 3270, as evidenced by the bill's 176 cosponsors. AVMA also recalls that Chairman Brown introduced a similar bill, HR 2654, in the 99th Congress, which AVMA also supported. The Bush Administration has weighed in with conflicting viewpoints, although I feel that the words of Dr. Bromley, director of the White House Office of Science and Technology should be heeded when he says, "The passage of national legislation would constitute a powerful statement that this country will not tolerate illegal and violent acts by opponents of animal research." Without an official condemnation, the message from Congress remains murky.

Clearly, the agenda of the animal rights groups is radical. When actor Christopher Reeve was booed off the stage at last weekend's Animal Rights March for encouraging moderation, it is a sign that the movement will become more, not less radical. Terrorism in the name of animal rights must be stopped before human lives are claimed. Now is the time for Congress to declare its unequivocal opposition to animal rights terrorism by enacting HR 3270.

Thank you for this opportunity to testify. Dr. Freeman and I will be happy to answer any questions you may have.

(Photographs are held in the committee files.)

(Attachments follow:)

Biographical Sketches of Witnesses

DEAN EDWARD RHODE has been Dean of the School of Veterinary Medicine at the University of California, Davis, since 1982 and was Dean at the time that the Veterinary Diagnostic Laboratory was burned by animal rights activists. Dean Rhode has served as President of the Association of American Veterinary Medical Colleges and has been a member of the Commission on Veterinary Medicine of the National Association of State Universities and Land Grant Colleges. He has conducted extensive research in many areas of veterinary physiology and cardiology.

DR. JOHN FREEMAN is a native North Carolinian who received his veterinary medical degree from Oklahoma State University's College of Veterinary Medicine. He also received a Master of Public Health degree from the University of North Carolina. Dr. Freeman is head of North Carolina's Environmental Epidemiology Branch in the state's Department of Human Resources and previously headed the department's Veterinary Public Health Branch. Dr. Freeman has been active on both the state and national level of organized veterinary medicine and has served as President of the North Carolina Veterinary Medical Association. He currently represents 7 southeastern states on the American Veterinary Medical Association's Executive Board. Dr. Freeman is also an active farmer. He raises registered Hereford cattle as well as goats on the 118 acres that he farms in Franklinton, North Carolina.



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1023 FIFTEENTH ST., NW • WASHINGTON, DC 20005 • PHONE: 202/659-2040 • FAX 202/842-4360

21 August 1989

The Honorable Charles Stenholm
Chair, Subcommittee on Livestock, Dairy and Poultry
Committee on Agriculture
US House of Representatives
Washington, DC 20515

Dear Mr. Stenholm:

On behalf of the approximately 48,000 members of the American Veterinary Medical Association and the 27 American colleges of veterinary medicine, I would like to commend you for your commitment to American agriculture, animal research and livestock production. The Research and Farm Animal Facilities Protection Act reflects the recognition at the highest levels of government that illegal acts perpetrated in the name of animal rights threaten our nation's farm economy and the research that contributes to the phenomenal productivity of American Agriculture. These illegal acts may also jeopardize the health and welfare of animals that are stolen or "liberated."

Veterinarians are strong proponents of animal welfare. The Veterinarians' Oath affirms our professional commitment to the protection of animal health and the relief of animal suffering. Livestock and poultry producers are also attentive to the welfare of their animals. In the final analysis, it is the health of the producer's animals that determines the success of his or her business. Likewise, the health of research animals ultimately determines the quality of the knowledge produced.

We applaud you, Mr. Chairman and the other cosponsors of this legislation for its introduction. We urge swift passage of the Research and Farm Animal Facilities Protection Act. It is in the best interest of American agriculture. It is in the best interest of the American public. Please count on our support.

Sincerely,

A handwritten signature in black ink that reads "Samuel E. Strahm, DVM". The signature is fluid and cursive, with "Samuel E." on top, "Strahm" in the middle, and "DVM" on the right side.

Samuel E. Strahm, DVM
President, AVMA

SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

P. O. Box 3719
Georgetown Station
Washington, D.C. 20007

(202) 337-2334

Statement on H.R.-3270

Before the Department Operations, Research, and Foreign
Agriculture Subcommittee of the House Committee on Agriculture

by Christine Stevens, Secretary

June 15, 1990

I appreciate the opportunity to testify before this distinguished subcommittee. The last time I did so was in 1984 when I presented the preliminary results of a study conducted by the Animal Welfare Institute analyzing reports by USDA's veterinary services of 214 registered research facilities. The study was later published as part of the book, Beyond the Laboratory Door, copies of which I have brought for the information of the subcommittee members. You will note that 174 of these facilities had one or more deficiencies, some serious or chronic. In only 37 were no deficiencies reported during the three year period covered. This 81% failure rate to observe the minimum standards established by the Animal Welfare Act shows in numerical terms why there is such widespread public concern about how laboratory animals are treated. There is strong, majority consensus among American voters that these animals must be humanely treated, but so far the public has no assurance that they are.

The Society for Animal Protective Legislation and the Animal Welfare Institute have done their utmost to plead, pressure and cajole institutions into taking seriously their responsibilities for the animals they use. For example, Comfortable Quarters, which we provide free to scientists and administrators, shows good examples from facilities where animals are properly housed. But aggressive lobbying by the National Association for Biomedical Research and its constituent organizations has even prevented major sections of the Improved Standards for Laboratory Animals amendments, passed as part of the 1985 Farm Bill, from being made final.

Decent treatment of the animals is an absolute necessity if the goals of HR 3270 are to be achieved.

The organizations which I represent are opposed to illegal

actions. We support thorough law enforcement and agree with the Justice Department that legislation both state and federal is already in place to punish violations addressed in the pending bills. We live in an increasingly lawless society, and simply reiterating provisions of already existing law is unlikely to effect the changes sought. Scofflaws will only be reinforced by passage of legislation, while law abiding persons will be further intimidated so that the reports of neglect and mistreatment of laboratory animals will not be made, as they should be, in the institutions themselves and rectified, as they should be, by those in authority.

I foresee an ever escalating confrontation, harmful to research and animal welfare alike, should this legislation be enacted. We must recognize that abominable mistreatment of experimental animals has been brought to light as a result of illegal action. For example, in the case of the baboons used in head injury research very generously funded by NIH at the University of Pennsylvania videotapes taken by the researchers themselves were stolen. They shocked everyone who saw them with the callous and sadistic behavior they vividly documented in a major medical school paid for by taxpayer funds. Nevertheless, we believe that the government must rely on strict, thorough, and properly funded enforcement of the Animal Welfare Act, including the Improved Standards for Laboratory Animals amendments to prevent such atrocities. That means final regulations must be published and that they be consonant with existing regulations so that effective enforcement is not stymied. This is the honorable way of protecting research by preventing abuses before they are committed.

It is important that the public policy of the United States be recognized. It was well stated by a federal judge: "It has long been the public policy of this country to avoid unnecessary cruelty to animals. Beginning with New York State in 1828, all 50 states and the District of Columbia had adopted anti-cruelty laws by the year 1913. [Animal Welfare Institute, Animals and Their Legal Rights 13-14(1978)] The Federal government likewise has enacted anti-cruelty laws, such as the Twenty-Eight Hour Law, 45 U.S.C. 571 et seq. (governing transport of livestock by rail), and the Animal Welfare Act, 7 U.S.C. S 2131 et. seq. (governing laboratory animals, as well as shipments of animals and treatment of animals in zoos). The Food Security Act of 1985, strengthened the safeguards of the Animal Welfare Act."(1)

I commend Congressman Stenholm for omitting several of the most dangerous provisions of the Senate-passed bill on this subject. However, since these improvements could be lost in conference and there were no hearings in the Senate, it is incumbent on the Society for Animal Protective Legislation to examine all pending legislation in order to try to assess potential effects. We believe that much of the progress which has slowly been achieved in both attitudes and requirements of law relating to laboratory animals could be undermined by

provisions that, far from encouraging the wholesome whistleblowing inside institutions so that bad conditions are rectified on the spot, are likely to inhibit the reporting of neglect or mistreatment of animals to the institution's authorities.

The true issue underlying the proposed legislation is that there is no effective means of reporting problems in laboratories. As quoted in my commentary in the international scientific journal Nature, September 27, 1984, the chief executive of the National Association for Biomedical Research (NABR), Frankie Trull, addressing a university gathering, stated: "The reason I say please clean up your own shops is that the break-ins are inside jobs, every one of them. By inside jobs, I mean that some sincere, genuine animal technician or cage cleaner or whatever, goes to an animal rights rally or reads an article in a magazine and wants to help the other side. Every single one of the break-ins in the 30 or 40 we're aware of involve inside jobs."

If people in laboratories could report problems and deficiencies with a reasonable expectation that the complaints would be acted on, we believe illegal activities could be prevented. According to the Administrative Conference of the United States, Recommendation 87-2, workers in the drug and medical device industries have no whistleblower protection. Filling this gap in federal whistleblower protection would most effectively address the issue of illegal activities. Effective whistleblower protection for biomedical industry workers should be another rich area for cooperation between research and humane interests.

The rational procedure for the scientific community to adopt to prevent these "inside jobs" identified by NABR, is to encourage whistleblowing, not to stifle it. When laboratory personnel are afraid to complain to the Institutional Animal Care and Use Committee about neglect and mistreatment of animals, when they know they can not get a fair hearing from employers and colleagues, pressure builds to go elsewhere. I know from personal experience how fearful of reprisals are individuals employed by medical schools who dare to criticize abuse of laboratory animals in their own institutions.

Let me give you a little known example, the case of a disgustingly filthy, run-down laboratory building in Baylor's College of Medicine where mice, rats, and the humans employed there were all subjected to dangerous, improper practices.

For the record of these hearings, I submit pages 10 and 11 of The Animal Welfare Institute Quarterly, Vol. 36, No. 4, Winter, 1982. So that members of this distinguished Subcommittee can see the documentation supplied by a whistleblower to the Animal Welfare Institute in hopes we could get the action for reform of the laboratory that others had unsuccessfully pleaded

for for years, I would circulate the report we presented to NIH in 1987. Dr. Raub's stated at the previous oversight hearing that NIH welcomes the public coming forward with complaints about research facilities and in fact, we were praised by NIH staff for having brought the fully documented evidence of non-compliance with NIH requirements to NIH instead of to the press. But then NIH turned right around and went public itself in Science, calling it "a batch of materials containing photographs and allegations of non-compliance"! Science pled lack of space to publish my letter giving the facts, which you have in your hands.

Meanwhile we waited more than two years for final confirmation from NIH that full corrective action was taken at Baylor. It finally came after I presented information on this case to the Subcommittee responsible for authorizing NIH funds! The whistleblower continues to fear reprisals. The hostility against any criticism remains intense.

It is that hostility, in my judgement (based on almost 40 years of work to convince the scientific community that laboratory animals should be treated decently and protected from the massive amounts of needless suffering they now undergo) that is at the root of the legislation being pressed on the Congress: S. 727, H.R. 3270 and H.R. 3223.

George Orwell's "National Hate Week" is alive and well among the hard-liners against animal protection. And the very campaigns they mount, allegedly against animal rights but in fact encompassing animal welfare, are, in turn, encouraging hostility among animal sympathizers of every stripe.

The long-standing goal of the Animal Welfare Institute and the Society for Animal Protective Legislation is to reduce the sum total of fear and pain inflicted on animals by man. In pursuit of this aim, we appeal to you, Mr. Chairman, for leadership in reducing this current extreme confrontation. You may not be aware of acts of aggression coming from the biomedical side, or of how they are being used.

For example, the American Association for Laboratory Animal Science Bulletin, Vol. 28, Number 5, devotes a full page to the subject and refers to "the alleged attempted murder of the chief executive officer of U.S. Surgical by animal rights activists..." This is a favorite example, usually extended to the plural, as it is here: "activists". Details on this strange case are given in two Animal Welfare Institute Quarterlies herewith submitted for the record of the hearing. is that U.S. Surgical hired Jan Reber of Perceptions, Inc. who hired Mark Mead (who is currently serving a sentence in the penitentiary) to strike up an acquaintance with the alleged attempted murderer, Fran Trutt, who had been videotaped by U.S. Surgical when she joined a picket line protesting use of dogs to train its surgical staple salesmen.

Ms. Trutt, who has been ordered to undergo psychiatric evaluation, placed a bomb near the parking space of U.S. Surgical's President, Leon Hirsch. She has recently plead nolo contendre to this charge in order to be able to see her dogs again. Another Perceptions, Inc. operative, also developed a seemingly close friendship with Ms. Trutt and encouraged her to bring the bomb from New York to Connecticut. Mr. Mead drove her and the bomb across state lines, and when she was surrounded by the Norwalk police as she laid the bomb in the parking lot, he jumped over the fence and departed. The New York tabloids loved the story, devoting their entire front pages to it. "Bow Wow Bomber" read one banner headline. "Puppy Love" said another. Until several small newspapers in Connecticut began digging up the seamy side, no one suspected it of being a smooth public relations operation deployed in the current attempt to persuade the public that there are no moderate animal welfare workers left, all having been radicalized by bomb-throwing terrorists bent on eliminating medical research.

Another even more pathetic case is that of Cathy Blight and Mary Lou Durbin, who, unlike Fran Trutt, did absolutely nothing wrong, yet they have been persecuted and sued for hundreds of thousands of dollars by a laboratory dog dealer. Their "crime": expressing opposition to legislation requiring stray dogs to be made available to laboratories. Attached to my testimony is an article from The Detroit Free Press, January 22, 1990. Note the statement by Henry Kaufman, general counsel for the Libel Defense Resource Center: "This case is to my mind an absolutely notorious example of the price tag an aggressive company can place on freedom of expression, on criticisms of a company's activities or even to put a price tag on views that the company views as detrimental to its corporate interest." I. W. Vinsten, who handled Blight's case on appeal on behalf of the American Civil Liberties Union, stated: "This case involved fundamental First Amendment freedoms. What the Hodginases were attempting to do was intimidate their opposition."

The Free Press does not comment on the fate of Mary Lou Durbin, a teacher who is near retirement, but states the facts: "Durbin faced the biggest bill, and finally settled for \$525,000 in November. Her homeowner's insurance paid \$400,000 -- but covering the rest wiped out much of the savings she had accrued over more than 30 years as a teacher in Garden City. Durbin, who is single, wouldn't give her age, but said she is near retirement."

Nor are the victims of commercial biomedical interests limited to non-scientists. Immuno AG, an Austrian multi-national pharmaceutical company, has sued some 60 different people and institutions over unfavorable comments on the company's acquisition of endangered chimpanzees. After a five year court battle, Dr. Moor-Jankowski, head of the Laboratory for Experimental Surgery in Primates (LEMSIP), has only recently been vindicated by the Appellate Division of the First District Court

of New York and the New York Court of Appeals for having published, as editor of the Journal of Primatology, a letter on the subject.

Presiding Justice Francis T. Murphy commented: "To unnecessarily delay the disposition of a libel action is not only to countenance waste and inefficiency but to enhance the value of such actions as instruments of harassment and coercion inimical to the exercise of First Amendment rights."

"Surely Immuno does not suggest that its very own plan, one which it would have been happy to pursue, was so ill-conceived and so obviously pernicious in its methods and probable consequences that its accurate disclosure caused Immuno reputational injury. If the plan was so clearly misguided the wound which its disclosure is alleged to have caused is self-inflicted and cannot be redressed through the law of libel."

It is worth noting for these proceedings today that the National Association for Biomedical Research filed an amicus curiae brief in support of Immuno AG's position. New York University has been forced to spend, I am informed, one million dollars in legal fees to defend its distinguished medical researcher. The case has dragged on for years, forcing others who were sued along with Dr. Moor-Jankowski to drop out for lack of money to continue to defend themselves.

These three examples, U.S. Surgical, Hodgins (the dog dealer), and Immuno AG, illustrate the ruthlessness of those who brook no criticism of their use of animals. No wonder fear of being fired or, at the very least, never being promoted, keeps so many individuals, whether scientists or other personnel employed by both commercial and academic institutions, from complaining about animal mistreatment! But, as I pointed out before describing these cases, what is most sorely needed to combat illegal raids on laboratories is to eliminate the reason for them. And that means helping whistleblowers to assist institutions in keeping their houses in order.

But the Senate-passed counterpart of the bills you are considering today, S. 727, would effectively discourage employees of laboratories from reporting instances where research facilities are themselves breaking the law.

For the hearing record, I submit a letter from John P. Sinnott, Esq. whose expert opinion on S. 727 was sought by the Animal Welfare Institute. He states that S. 727 "would involve an unconstitutional exercise of police power by the Federal Government."

One of the provisions of S. 727 would actually make NIH itself guilty of a federal crime since I am told that NIH uses a brief segment from the University of Pennsylvania videotapes as part of a training program. Clearly, the type of over-reaction

characterized by S. 727 is counterproductive.

The basis on which the several bills on this subject appear to rest is flawed. State laws already cover the prohibited acts. Newspaper reports on illegal acts against research facilities AND personnel appear to have declined, suggesting a decline in these occurrences. I have seen no documentation of any increase in these illegal activities as distinct from other types of crime, which is often reported in the daily press as reaching record heights.

More appropriate than passing a new federal criminal statute would be a resolution expressing the Congress' strong and unanimous disapproval of illegal activities directed against health facilities assisted under the Public Health Service Act.

Those who continue to place obstacle after obstacle in the way of finalizing Part 3 regulations under the 1985 Improved Standards for Laboratory Animals amendments to the Animal Welfare Act are the same people who lobbied S. 727 through the Senate without hearings. They clamor for federal protection from actions which are already illegal in every state, but they do everything in their power to prevent implementation of the exceedingly moderate, totally non-radical legislation passed by Congress in 1985. This is the legislation which, if enforced, can do far more to discourage illegal raids than any federal criminal statute could hope to do. If the self-styled opponents of animal rights who, in fact, work assiduously against the animal welfare they profess to support, ever allow the day to come when every laboratory animal is decently treated, they will no longer have any reason to invest in extensive security systems or the underground animal quarters so detrimental to animal welfare that some big institutions are building. Mr. Chairman, I appeal to you to help that day to come.

(Attachments follow:)

LABORATORY ANIMALS

"Doser's" death lifts veil of secrecy on animal test methods

When an employee of the International Research and Development Corporation (IRDC) died of the rare herpes B virus sometimes carried by monkeys, and two other employees sued the corporation, press interest in IRDC's treatment of its staff and its test animals rose.

According to *The Kalamazoo Gazette*, James R. Casey claims "the firm fired him after he told regulators of alleged violations of animal care and testing standards." IRDC also sued him.

Casey's counter claim alleges that:

IRDC recklessly exposed him to a 'known carcinogen,' meant to be tested on animals, which leaked out of a 55-gallon drum on the property. Casey claims IRDC never notified government authorities of the spill.

IRDC violated the Michigan Whistleblowers Protection Act, which provides that an employer cannot fire or discriminate against an employee if the employee reports a violation of state or federal laws or regulations.

IRDC engaged in "retaliatory termination," violating Casey's First Amendment rights to freedom of speech.

IRDC engaged in "libel, slander and defamation of character" by accusing Casey of lying, and rendering him "unemployable in the field of toxicology/animal husbandry." The suit says Casey attempted to find work with The Upjohn Co. and Perrigo Inc. but could not because of IRDC's statements.

The corporation also went to court to restrain animal advocates from picketing the plant.

IRDC is a sizable enterprise. To quote *The Gazette* again:

IRDC is an independent contract research laboratory, with about 350 full-time employees. It specializes in pre-clinical safety evaluation studies for chemical and drug companies using animals to determine how drugs and chemicals will affect humans. The company's 1988 revenues were over \$22.5 million.

However, its treatment of employees and test animals left much to be desired.

A glimpse of animal testing methods was revealed when IRDC management asked three employees to speak to *The Gazette* in planned phone interviews concerning the death of their fellow employee Thomas McGeorge. They were among 22 employees being tested for the virus and were on Acyclovir, an anti-viral medication. Martin Alsobrooks, who had worked for three months at IRDC, said:

[He] was using his latex covered hand to ... put a tube down their [the monkeys] throats—sometimes he was in a rush to do this and got bit' . . .

White, 22, said McGeorge was a 'doser.'

someone who administers a compound to animals.

"I did the same job he did, and he did it much faster than I did," White said.

A second lawsuit by former employee Terrence Young charged that unsafe workplace conditions at IRDC may have exposed him to the lethal virus. The suit charges that he was never informed of the risk associated with his job and that IRDC officials "provided only inadequate protective gear, including leather gloves with holes in them and a body suit that was not bite- or puncture-proof and did not protect the back of his neck."

The Gazette article also quoted former IRDC supervisor Don Browne, who proposed a training program, but

He was told by his director that the company did not have time or personnel to implement the program, he said.

"They'd clean it [a bite or scratch wound] out, maybe, and put a Band-Aid on it," Browne said. "If it was one of the bites that McGeorge reported, the medical staff there wouldn't have realized what it [herpes B virus] was."

"Right after McGeorge got sick, IRDC got a whole bunch of new gloves, so all the state [inspection] officials saw were new gloves. That never happened before—that we got all new gloves."

One of IRDC's clients, the Sandoz Pharmaceutical Corporation, halted testing of a cardiovascular drug on 190 monkeys, some of them, according to the Michigan State Health Department, infected with herpes B virus.

An Associated Press story on July 14 reported that IRDC "had been under federal investigation for its animal handling procedures . . ."

"The Department of Agriculture investigation began well before the June 20 death of Thomas McGeorge, 23, who contracted the herpes B virus while working at International Research and Development Corp. of Matawan.

"Federal inspectors found repeated violations of sanitation and other rules under the Animal Welfare Act and also met resistance from the company during the investigation . . ."

A SORRY RECORD FOR IRDC

Inspection reports obtained under the Freedom of Information Act from the US Department of Agriculture document chronic lack of sanitation, injuries to animals, and obstruction of government inspectors. Following are quotes from the inspection reports, 1986-1989:

- Moldy feed in feeder. (6-10-86)
- Outdated experimental feed with paint chips and gum wrappers in it. (1-20-87)
- Dog cages—in older galvanized cages, bottom row is dark, cannot inspect dogs. (1-20-87)
- Awaiting final word on exercise rule in dogs. (1-20-87)
- This facility used several delaying tactics to impede an inspection. The process was delayed for so long and so many times that it was not completed at the close of the business day. (11-8-88)
- Inspection of rooms D2 (dogs), D3, D4, D5, D6, D7, D8, D9, C4 (primates), B8, B2, B7, C15, C32, C49, G16, G15, G5 was not permitted. (11-8-88)
- Rusty dog and primate cages cannot be properly sanitized. (11-8-88)
- Several rabbits had plastic collars to prevent them from chewing their bandages. These collars were placed on backwards and allowed each rabbit to chew on and ingest the plastic. (11-8-88)
- All species had rooms in which standing water and/or urine was found. (1-18-89)
- Several dogs were noted to have bloody paws. This appeared to be due to the metal slatted floor. Many of these grates are in need of reinforcement. Some have been reinforced. This is now in violation of the Animal Welfare Act. (1-18-89)

COMMENTARY

Mistreatment of laboratory animals endangers biomedical research

from Christine Stevens

There is now an opportunity for legislators in the United States to rescue medical researchers from themselves.

IN the United States, laboratory animals are used in much greater numbers and subjected to far more neglect and mistreatment than elsewhere, in Britain for example. The reason for this is simple: US law does not come to grips with pain prevention. In the absence of an adequate regulatory regime, an all too casual attitude has developed. Pain relief, or indeed any sort of post-operative care, is often omitted in laboratories, test procedures are unnecessarily duplicated and even the minimal standards of care required by current law are routinely ignored. These negligent attitudes are reinforced by a chronically short-staffed and underfunded federal enforcement programme on the one hand and, on the other, an aggressive lobby of commercial animal suppliers whose objective is, simply, to sell as many animals as it can to researchers and testers.

New Bills

An opportunity has now presented itself to bring the federal Animal Welfare Act up to a level roughly comparable with the laws governing the use of laboratory animals in Britain and fourteen European countries. Congress has been presented with two legislative proposals, the Senate with a bill (S.657) introduced by Senator Robert Dole (Republican, Kansas) and the House of Representatives with one (H.R. 5725) introduced by Representative George Brown (Democrat, California), both of which have been endorsed by the American Veterinary Medical Association. Unfortunately, opposition organized largely by the trade association representing laboratory animal breeders has so far prevented these proposals from getting anywhere.

There is no shortage of examples of the current act's deficiencies. The only pain-reducing provision is a deliberately vague phrase included under a general requirement for "adequate veterinary care" which calls for "appropriate use of anaesthetic, analgesic and tranquilizing drugs". Public scrutiny of compliance with this provision is provided only by a requirement that laboratories list the numbers of painful experiments and tests conducted without such drugs, and then note the reason in a one-page annual report.

As a result, compliance even with this vague requirement has been casual in the extreme. The majority of medical schools boldly claim, year after year, that all the pain and distress they cause experimental animals is prevented by pain-killing drugs.

(Pharmaceutical houses tend to be more honest in admitting that they inflict suffering; thus they usually blame on the testing requirements imposed by the Food and Drug Administration.)

Under the current law, it is entirely up to the researcher to determine whether pain-relieving drugs are necessary. Edward Taub, who received much publicity after the National Institutes of Health (NIH) suspended support for his research on deafferented monkeys, claimed that his superior knowledge made veterinary advice unnecessary. He claimed that no pain-relieving drugs were needed because sensory nerves were cut in the procedure he was using. But Dr William Pryor, the laboratory veterinarian at East Carolina University, testified before a Health and Human Services Department appeals panel to which Taub had taken his case that analogous procedures on humans result in great post-surgical pain, and he recommended an analgesic specifically suited for the purpose.

At the University of California at Berkeley, researchers charged that graduate students conducting major surgery, including the removal of eyes from cats, in Dr Russel DeValois's laboratory, often administered anaesthesia incorrectly. One witness said, "From the high-pitched squealing of the kitten, it was obvious that the animal was experiencing intense pain". The Dole/Brown proposals would impose the very modest requirement that researchers consult with a veterinarian in the planning of any procedure involving pain to unanaesthetized animals. The bills would also require that post-operative care be provided and that proper staff be available at nights and on weekends. This might do away with the scheduling of surgery at entirely inappropriate times, as happens now. I have seen unconscious post-surgical dogs left in a room with twenty other barking dogs at 3.30 on a Friday afternoon "Been doing some cutting today?" the veterinarian said to a caretaker down the hall. "Yeah", he nodded.

British act

Before giving further examples to illustrate the need for improved legislation in the United States, I should note that about thirty years ago, I went to Britain at the suggestion of my father, Robert Gesell, Chairman of the Physiology Department at the University of Michigan Medical School, to consult those whom he considered the best biomedical scientists to get their views on

the British act regulating animal experimentation. I spoke to Sir Alexander Fleming, J.B.S. Haldane and many other distinguished investigators, and visited their animal rooms.

Even though funds were extremely limited at the time (just after the Second World War), I found the animals far better housed and looked after than in most of the American universities I have recently inspected. Fleming's rabbits were fine-looking creatures, at ease in cages big enough for them to take a hop or two and sit up in the classic Easter rabbit pose if they felt so inclined. Haldane's newts lived in large well-furnished aquaria. In the dog laboratories I visited, the dogs occupied good-sized pens — in sharp contrast with the small cages stacked to the ceiling in many US dog rooms of the period, where the cages were commonly hosed with the dogs still inside trying to dodge the stream of water.

No scientist I interviewed during my visit complained of the British Cruelty to Animals Act. Indeed, I was told that it was of much value in bringing home to young research workers their responsibilities to experimental animals. Neither the individual licences nor the pain conditions under which they worked were burdensome. The general attitude was summed up later, when Sir Graham Wilson and Dr Lawrence Abel came to the United States to testify at a Congressional hearing on 30 September 1965. Dr Abel, a former vice-president of the Royal College of Surgeons, said in part: "We do not commit the atrocities which are reported from time to time in some other countries. We do not allow the extravagant cruelty committed by some investigators of stress and shock. We have proved that the desired results can be obtained by less inhumane methods". This testimony was so telling that the subcommittee chairman, to whom a word from NIH was law, decided to suppress it. The second day of the hearing was cancelled, and the hearing record was never published.

I returned from Britain convinced that the British act was a boon to animals, admired by British scientists and altogether most valuable despite its age and the need, in certain respects, for updating.

But on the other side of the Atlantic, there was a violent reaction by groups such as the National Society for Medical Research when a streamlined bill built on the principles of the British act was introduced by 13 leading senators. NIH's public

response was less frenetic but equally adamant. NIH even went so far as to withdraw and secrete hundreds of copies of a substantial study it had contracted for because the report clearly showed widespread mistreatment of experimental animals and indicated a need for regulatory legislation.

Blocking tactics

Senator Lister Hill, named after the illustrious British bacteriologist, was NIH's man in the Senate, and he loyally sat on the bill for six years, refusing all attempts to get it to hearings in the committee he chaired. Not until a stolen dalmatian, trucked across state lines by a dealer in laboratory dogs, ignited an unquenchable public interest, did legislation on laboratory animals reach the Senate floor via a different committee. As soon as it did, the vote to protect the animals was unanimous. Unfortunately, the bill (although opposed as fiercely as the better drafted bill based on the British Act) was weak and narrow in its coverage. Amendments passed in 1970 and 1976 finally gave the Secretary of Agriculture authority to include all warm-blooded animals, and required users to report painful experiments and tests conducted without anaesthetic, analgesic or tranquillizing drugs.

Mistreatment of laboratory animals in the United States in some cases involves a failure to provide even basic care, let alone pain-relieving drugs. For example, at the Veterans Administration (VA) Hospital connected with Stanford University Medical School, a medical student working late was startled to find an experimental dog collapsed at the door of his room. He promptly called the VA veterinarian, but she refused to come to treat the obviously suffering animal, so the student took the dog to the veterinarian on duty at the emergency service, who determined that it was past any possible treatment and euthanized the animal. A necropsy showed nothing but hair in the animal's stomach. The festering sores showed no sign of treatment. The hospital's claims that nothing was seriously wrong and that another dog had inflicted the injuries were hopelessly unconvincing.

Refusal to acknowledge error, no matter how grossly evident, appears to be a common weakness among those who neglect and/or mistreat laboratory animals.

The veterinary inspectors of the US Department of Agriculture (USDA) sometimes try to use their limited authority under existing law to require proper procedures. For example, at the University of Chicago, brain surgery was being conducted on squirrel monkeys in an office off a busy corridor. An office table was used as an operating table. Instruments were not properly sterilized. The inspector called for immediate transfer to one of the university's regular operating rooms.

The proliferation of poorly controlled experimentation in dozens of sites on a

campus makes USDA's task difficult, and since the financial provision for enforcement of the Animal Welfare Act has never been adequate, it has sometimes been years before every nook and cranny where animals are stowed away has been ferreted out. At the University of California at Berkeley, it took a new inspector to find them all. USDA finally brought a case against the Berkeley campus, charging major violations. The case was recently settled when the university agreed in a "consent decision" to pay a \$12,000 fine, establish a training programme for animal handlers and to "cease and desist" from violating the Animal Welfare Act.

The seeming inability of this institution to control its faculty and students is revealing in the light of the thick report of its own specially constituted committee emphasizing that "more diligence on the part of the investigators and better discipline of the caretakers at a minimum of additional costs" would resolve most of the problems. A typical USDA inspection report reads: "Monkeys in room G25 are fed by placing feed in waste pan under floor grill — no feeders present . . . in many rooms a build-up of faeces . . . no regular observation of animals by caretaker under veterinarian's supervision. Some question of DVM [Doctor of Veterinary Medicine] even having access to animal quarters let alone establish an adequate programme of veterinary care."

Reports for all 1,166 Registered Research Facilities in the United States may be obtained under the Freedom of Information Act (FOIA); the Animal Welfare Institute [of which the author is president] has been studying a series of these over the past six months. The reports are astonishing — Harvard, Yale, Johns Hopkins, Vanderbilt, the universities of Utah, Rochester, Pittsburgh, each receiving between \$17 and \$51 million a year from NIH, all accredited by the American Association for the Accreditation of Laboratory Animal Care, regarded by NIH as an ironclad guarantee of first-class care and treatment of animals, repeatedly violate USDA's minimum standards.

Most frequently recurring are: cages too small for monkeys, dogs and rabbits to make normal postural adjustments, green scum in the water bottles, inadequate ventilation, and just plain filth. These notes on the University of Utah are typical: "Primates have inadequate space . . . filters are pretty well plugged with hair . . . large rabbits [weighing] 9 to 11 pounds have 432 square inches and they should have at least 540 . . . some of the cages are not high enough that rabbits can stand up . . . feed in some feed containers contaminated with urine from top cage." Or from Rochester: "Primates in Room 6-7573B are being kept in cages which have not been sanitized for over 6 weeks." At Pittsburgh: "The [cat] room did not appear to have been cleaned since the last

inspection . . . 24 hours for correction." At Harvard a list of 23 different animal rooms housing dogs, cats, guinea pigs, rabbits, gerbils and monkeys used old, rusty, difficult-to-clean cages. The inspector also noted "loose sharp wires" and wrote "it appears sanitation is non-existent while animals are in isolation chambers". One might suppose that correction would be automatic when USDA inspectors write such comments and the institution's attending veterinarian signs off on them. But unless the inspector actually recommends that USDA's General Counsel prepare a case against the institution, the deficiencies frequently drag on, as documented in the Animal Welfare Institute's files.

The USDA inspectors urgently need the increased authority that the Dole and Brown bills would give them, and they need the assistance which institutional committees under this legislation would provide. Key provisions include the appointment of a committee member not employed by the institution "responsible for representing community concerns regarding the welfare of animal subjects", and the requirement that the committee make semi-annual inspections of "all animal study areas and facilities". In addition institutions would be required to inform their employees to report violations of the law to the institutional committee so that prompt corrective action can be taken. Employees would be protected from discrimination against them which many fear at present if they request better treatment of animals.

The basic purpose of the Dole and Brown bills is to prevent needless suffering before it occurs. By putting all personnel on notice that they are not to turn a blind eye to such suffering, the observant and compassionate would occupy the position now frequently usurped by the callous and domineering. All too often, when I visit laboratories I hear the words, "but don't say I told you". This is absurd when the heads of institutions urgently need to know about mistreatment of animals. If they do not know and thus cannot take effective corrective action, they are increasingly likely to find themselves in the embarrassing position that scandals nobody dared to tell them about are publicly revealed. The consequence of that will be increasing erosion of public faith in institutions supported by the tax payers.

Prevention of needless suffering would also be advanced by the provisions of the Dole/Brown bills that aim to eliminate the wasteful duplication of animal experiments and tests. Unintended duplication of government tests was estimated in 1981, by the head of the Interagency Regulatory Liaison Group, to have wasted thousands of millions of tax dollars, yet there is nothing in the Animal Welfare Act as it stands to prevent recurrence of this needless use of animals. The Dole/Brown bills would establish an

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information service, in cooperation with the National Library of Medicine, to prevent such duplication. (Purposeful replication of research would be unaffected.) This service would also handle information on alternatives to animal experimentation and testing.

Enlightened self-interest alone should cause every medical school to back the Dole and Brown bills. Failure to protect an investment of millions of dollars by supporting reasonable legislation is shortsighted. But such is the prejudice against legislation, especially on the part of those who do not read the words but rely on lobbying organizations' generalizations, that the Dole and Brown bills are still widely resisted. Organizations that fought the 1966 Laboratory Animal Welfare Act with almost hysterical intensity now, having become accustomed to it, join in testimony before Congress to increase support for its enforcement. No doubt they will do the same if the pending amendments to improve the law are passed.

But the opposition is stepping up its activities. At least that is the sinister reading of the recent decision by the executive director of the Association for Biomedical Research (ABR) to move to Washington, DC. ABR was founded in 1979 by a small group of animal breeders (including Henry Foster, founder of Charles River Breeding Laboratories, the largest purveyor of laboratory animals in the world) and biomedical researchers who felt a need for "active representation" on legislation affecting the use of animals. The organization includes about 200 institutions, including medical schools, pharmaceutical companies and breeders, who depend on animal research. Anyone who doubts that animal research is big business should examine the case of Charles River, which began as a two-room rat-breeding facility and which was recently acquired by Bausch and Lomb, the optical company, in a stock transfer that netted Foster nearly \$38 million, according to press accounts.

The spectacular growth of the industry might be slowed by the Dole/Brown bills' requirement that investigators consider alternatives to animals, and by the information service that the bills would establish to provide facts on "methods which could reduce or replace animal use".

Not surprisingly, ABR has favoured substitute legislation sponsored by Senator Orrin Hatch (Republican, Utah) and Senator Edward Kennedy (Democrat, Massachusetts) that would call on the National Academy of Sciences to conduct an 18-month study of the current use of animals in research. This legislation has already been passed by the House of Representatives, incorporated as part of the NIH authorization bill.

Although ABR says that a study is needed in order to determine whether problems really do exist in the use of research animals, its director, Frankie

Trull, offered a possibly more candid explanation of its support for study legislation in a recent talk she gave to faculty, staff and students at the University of Illinois at Chicago Health Sciences Center. Trull told the audience: "Now, we are criticized for being strong proponents of study legislation by animal welfare organizations who say this is a stalling tactic. Well . . . none of us was born yesterday. The fact of the matter is that, in some ways, it is a stalling tactic." And in response to a question from the audience on how to deal with the media, Trull offered this advice: "You don't answer their questions. In other words, they'll say, 'isn't it true that 83 per cent of all animals had pain-killing drugs withheld during experimentation in your facility last year?' By the way, they know all that stuff. God bless the Freedom of Information Act, they know everything about everything. What you do is you say something like, 'In 1983, in our research institution, we were able to develop a breakthrough in Alzheimer's disease.'" Trull warned that unless researchers take the fight seriously, what happened in Britain could happen in the United States. "England has had horrendous problems, historically, with antivivisectionists . . . there is no question in my mind that the English, in fact, really truly do like their animals better than their people."

In calling on her scientific audiences to do battle with "the other side", Ms Trull deliberately fosters confusion between soundly based regulatory legislation and antivivisectionist sentiment. She emphasizes the rash of break-ins by animal rights groups. "The reason I say please clean up your own shops is that the break-ins are inside jobs, every one of them. By inside jobs, I mean that some sincere, genuine animal technician or cage cleaner or whatever, goes to an animal rights rally or reads an article in a magazine and wants to help the other side. Every single one of the break-ins in the 30 or 40 we're aware of involve inside jobs."

A rational response to this would be to enact the appropriate legal escape valve in the Dole/Brown bills so that personnel who observe mistreatment of animals are protected against reprisals when they blow the whistle — and that a local institutional animal care committee exists to receive such complaints, investigate, and order the problem corrected. But such a sensible procedure is anathema to ABR, which thrives on an "us and them" mentality.

Edmund Burke's advice to choose early reform, which he described as "accommodation with a friend", as against late reform or "capitulation to an enemy," is lost on the lobbyists who fight against proper regulation of animal experimentation. Thus the biomedical community, which needs the Dole/Brown bills as much as the animals do, is listening to badly biased advice inspired by vested interests that seek to increase commercial

profits on animals, equipment and services.

Pain clause

Most European countries have legislation which addresses pain prevention, often more specifically and strictly than the Dole/Brown bills. The pain conditions in the British act, for example, which have proved workable over more than a century, have spared great pain to large numbers of animals. The proposed bills require assurances that paralytics may not be used without anaesthesia, and pain relief or euthanasia may not be withheld when not scientifically necessary, much milder provisions than those which obtain in Britain.

At present, it is common for animals to be left to die in agony, and no law requires that they be euthanized even when the experiment is over. Nor does current law specify that dogs must be released for exercise outside their cages. The Mayo Clinic is still housing cages with the dogs inside. Small wonder that contagion is rife among the more than 500 dogs recently viewed by the 13 owners of stolen dogs that Mayo had purchased, despite repeated warnings that many of the dogs they kept buying seemed to be pets. Before the recent scandal broke, Mayo even bought dogs at the laboratory door. Now a sign is posted: "All please note. We no longer purchase dogs from individuals. But we continue to take them as gifts." It was through this unexpected review of Mayo practices that the dehydration of Mayo dogs came to light. Two owners reported that their dogs immediately drank five-quart pails of water on their return home, so intense was their thirst.

It is only natural for people to become angry when the privilege of using laboratory animals is so grossly abused. The US Congress and people generally want the abuses stopped. Neither Congress nor the overwhelming majority of the public want a ban on experimentation. Scientists of good will should recognize this, reject the paranoia sown by lobbyists and join with legislators such as George Brown, a tried and true friend of science, and Senator Dole, whose record on fiscal responsibility has earned him great respect for sound decision making.

"Those who experiment upon animals", Albert Schweitzer wrote, "by surgery and drugs or inoculate them with diseases in order to be able to help mankind by the results of pain, should never quiet their consciences with the conviction that their cruel action may in general have a worthy purpose. In every single instance, they must consider whether it is really necessary to demand of an animal this sacrifice for men. And they must take anxious care that pain be mitigated as far as possible."

Christine Stevens is President of the Animal Welfare Institute, Washington, DC, 20007, USA.

nature

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COVER

nature

A pillar of light at the zenith point (opposite the Sun) photographed on 23 March 1978 at Point Barrow, Alaska. This effect is caused by light from the Sun (at an elevation of 6°) undergoing up to four internal reflections within airborne ice crystals. See page 339.

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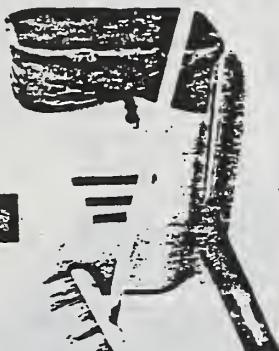
THE ANIMAL WELFARE INSTITUTE

BOX 3650, WASHINGTON, D.C. 20007

SETTING THE RECORD STRAIGHT

The journal, *Science*, declined to publish a letter to the editor correcting some of the errors in a two-page illustrated article. *Science* indicated lack of space as the reason for rejecting the letter. So that the misinformation does not stand unchallenged, the letter and a group of photographs from the report in question are printed below.

These photographs were submitted to the National Institutes of Health 14 October 1987 with a report, prepared by Cathy Liss and Louise Wright, documenting long-standing conditions at a cancer laboratory in Baylor College of Medicine. Captions include quotations from the Baylor staff member who submitted the photographs.



Open trash can for carcinogenic materials. "The conditions are bad not only for the rodents, but for the people who have to work there, too."



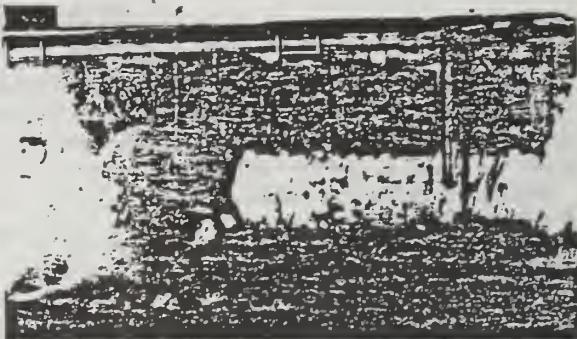
Unrepaired roof. "The roof has been a problem for a long time. There is water dripping through the roof. This has been mended numerous times, but not well enough, and the problems returned."

 ANIMAL WELFARE INSTITUTE	P.O. Box 3650 Washington, D.C. 20007 November 29, 1987
<p>The Editor <i>Science</i> 1333 H Street, N.W. Washington, D.C. 20005</p>	
<p>To the Editor:</p> <p>"Animal Regulations: So Far So Good", by Constance Holden (18 November, p. 880-882) states that NIH's Charles McCarthy "relates that after one prominent scientist published some editorials criticizing animal rightsers, his office received a batch of materials containing photographs and allegations of noncompliance at the scientist's institution." Although the Animal Welfare Institute and the Society for Animal Protective Legislation which I represent as a full-time volunteer are not animal rights organizations, it is painfully apparent that this anecdote refers to us.</p> <p>The "batch of material" is our carefully prepared 23-page summary illustrated with 33 color photographs showing filthy, hazardous conditions with carcinogenic materials at a laboratory using thousands of mice and rats at Baylor College of Medicine. Until we read Constance Holden's article, we thought we had been helpful to NIH by providing documented information enabling the agency to carry out its duties in enforcing the Health Research Extension Act of 1985 and in ensuring that government funds spent on research are dispensed in a manner that can be expected to result in accurate scientific information. If as reported, hoods over cages containing carcinogens are not washed between experiments, the animals were exposed to unintended carcinogenic cocktails. This is just one example of the information we provided to NIH's Office of Protection from Research Risks (OPRR) which Dr. McCarthy heads.</p> <p>When we delivered our report to the OPRR we were praised by NIH staff as encouraged for having brought the fully documented evidence of non-compliance with NIH requirements directly to NIH rather than going to the press with it. B now that Dr. McCarthy has seen fit to do just that it is necessary to present the facts. The "prominent scientist" (Dr. Michael DeBakey, Chancellor of Baylor College of Medicine) made personal allegations about me, as inaccurate as they were insulting, in a <i>Wall Street Journal</i> editorial (16 June 1987) to which I replied (13 July 1987). <i>The Scientist</i> reported on this (21 September 1987). A Baylor staff member, who been trying in vain for years to get the cancer research laboratory, referred to above cleaned up, repaired, and decently managed for the sake of both the laboratory workers and the mice and rats, happened to read <i>The Scientist</i> article and phoned asking for help. This was no casual complaint; it was documented by more than hundred photographs and color slides showing such things as uncovered pails.</p>	

"The photographs were taken over nine-year period by a number of different people concerned about the bad conditions. Most are recent, taken within the past four months."



Open pail of dead mice under refrigeration.



Plastic cages encrusted with dirt. "Animals are in deep feces."

flowing with dead mice under refrigeration, an open trash can for carcinogenic materials, plastic cages encrusted with dirt so thick that the animals inside were barely visible, most weirdly, a mummified mouse, overlooked in one of the sand boxes used to steady the weighing table, huge unrepaired holes in the ceilings, and with the pictures, descriptions of procedures completely at variance with requirements set by NIH for grantees. In 1986 Baylor's College of Medicine received more than \$37 million in NIH grants.

OPRR sent our report to Baylor, and the long-sought changes immediately started to occur. We understand that nearly all the animals have now been moved out of the hopelessly dilapidated building and put under proper care. We are delighted that this reform has finally taken place.

According to the Holden article, Dr. Neal Miller claims that "even previously moderate animal organizations are getting more radical."

Because the organizations I represent have consistently held the same moderate policies for more than thirty years, maintaining strict standards of discretion, and offering scientists and administrators practical advice on animal welfare through our books and other presentations, it is ironic that I should have been singled out for attack by the Chancellor of Baylor's College of Medicine and doubly ironic that this very attack should have directly led to our receiving the overwhelming documentation of these disgusting conditions at a laboratory in his college.

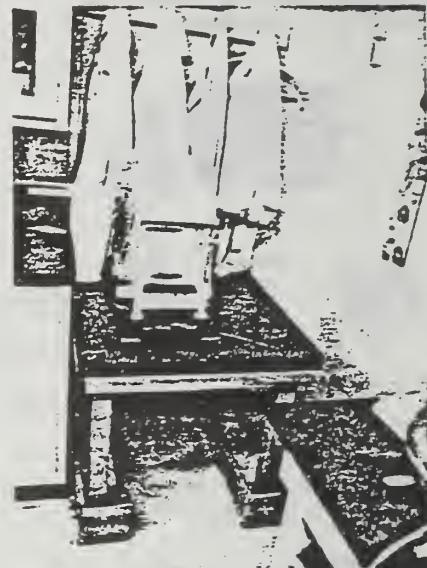
In the paragraph immediately following Dr. McCarthy's version of these events, Dr. Frederick King of Yerkes Primate Center is quoted on "infiltration of activists," "illegal activities" and "offers to purchase information." This is an unfortunate juxtaposition. Any implication that we engage in such actions is completely false. We were appealed to as a last resort by a distressed staff member.

The statement that "inspectors are only required to list negative criticisms" also needs correction. As one who has read large numbers of Veterinary Service's inspection reports under the Freedom of Information Act, I know that it is routine for the inspectors to write "deficiencies corrected" with the date of inspection when this is the case.

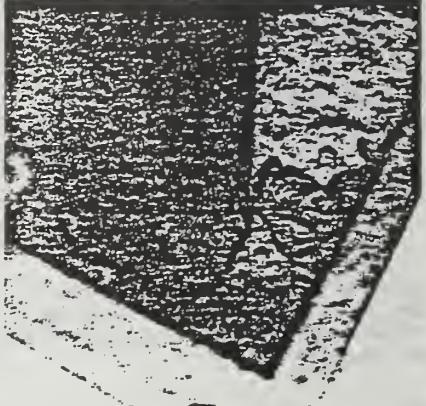
The Holden article is heavily slanted against the US Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) throughout, which is not surprising given the sources consulted. APHIS Veterinary Services is, of course, criticized by those who resent having to adhere to the minimum standards of the federal Animal Welfare Act, but it deserves great credit for having done an immense amount of good, in its moderate and careful way, to rid scientific institutions of the abuses that still severely mar the practice of animal experimentation. If mice and rats were included in the coverage of the APHIS regulations, it is unlikely that I should have had to write this letter concerning the Baylor facility, for the USDA inspectors would have written up the failure to adhere to standards and persisted until they were able to write "deficiencies corrected."

Sincerely,

Christine Stevens



Weighing table set in sand boxes where long dead desiccated mouse lay unobserved. Close-up appears below.



Recent Developments in the Fran Trutt Case

The American Medical Association "Animal Research Action Plan" of June 1989 states: "The extreme goals and tactics of the hardcore activists must be exposed fully for the public to see". This is a "Prime goal of the AMA action plan... The activists will not alter their view. They are dedicated. The sympathizers, however, are soft and the general public is up for grabs. These people can be scared away if they come to see the violent tactics of the movement as dangerous and counter-productive. This is an important part of the AMA's strategy."

The U.S. Surgical/Fran Trutt case appears to be an example of "full exposure for the public to see" of a "hardcore activist". The New York tabloids ran six inch headlines such as "Bew Wow Bomber" when Trutt was arrested last year while placing a bomb near the parking place of U.S. Surgical's chief executive (a full re-

port appeared in the AWI Quarterly, Vol. 38, No 1).

However, recent developments in the Fran Trutt case are disturbing. Here's how The Advocate (Norwalk, CT) describes the current situation:

Prosecutor Bruce Hudock's case against Fran Stephanie Trutt, the would-be animal rights bomber of Norwalk's U.S. Surgical Corporation, is in big trouble. First there were repeated and sensational leaks pointing to Surgical's own complicity in the bombing incident; now there's the revelation that two of the prosecutor's potential witnesses against Trutt have been arrested; one is in federal prison.

Marcus Mead is a 30-year-old former window washer and would-be model with movie idol looks. While allegedly working for a Stratford-based company called Perceptions International, on what he says was U.S. Surgical's payroll, Mead worked

his way into Trutt's confidence and eventually provided her (and her bomb) with a ride from her Queens home to Surgical's headquarters. Trutt, a sometime teacher and dog lover, was obsessed with Surgical's use of live dogs in demonstrations of its medical staples. The company has been the target of animal rights protests since 1981.

Mead disappeared after the Nov. 11, 1988 bombing incident, surfacing only to give sketchy versions of his actions to the Westport News. But now, the Advocate has learned, Mead is at a federal prison camp in Allenwood, PA (authorities say the offense is parole violation, dating from a 1984 mail fraud conviction). Mead is scheduled to be released in February of 1991.

Mead has a history of arrests. He was taken into custody by Westport police Jan. 12 for passing a \$249 bad check in Sept., 1986. He also has several other bad check arrests. Mead would be expected to be a prime prosecution witness against Trutt at her state trial scheduled

to begin in January.

In his few public statements, Mead made clear his belief he was working for U.S. Surgical. "The checks came from Perceptions International, but I was told I was being paid by U.S. Surgical," he said. Mead had been living a high life on the \$500 a week he was reportedly being paid by Perceptions (and, indirectly, by Surgical), showing off in rented Porsches and Alfa Romeos.

The other Trutt case figure with legal problems is Jan Reber, the president of the Stratford-based Perceptions. According to state police sources, Reber turned himself in at Troop G in Westport Oct. 12, answering charges of operating an illegal private detective agency. Reber did not return several Advocate telephone calls.

In another article entitled "Web of intrigue grows in Norwalk bomb case (Greenwich Time), author Barclay Palmer notes that:

Recent criminal actions against the private detectives hired by U.S. Surgical to spy on Trutt and a federal order that Trutt undergo psychological tests have raised yet more

questions about the case. Trutt was sent Tuesday to Lexington, Ky., where psychologists are assigned by a federal court to determine whether she is capable of "criminal intent" and competent to stand trial. Since her arrest a year ago, she has been held at the Niamic Correctional Center for Women in lieu of a \$500,000 bond...

Jan Reber, who, as president of Stratford-based Perceptions International coordinated 24-hour surveillance of Trutt for U.S. Surgical, pleaded not guilty to a felony count of operating a private detective agency without a state license. Trutt's lawyers say Reber's agents "enraged" her...

The charge carries a maximum penalty of one year in jail and a \$5,000 fine. Asked for comment after yesterday's hearing, he simply turned away.

"We have no comment," said Kenneth D'Amato, the Bridgeport lawyer who represented him during the hearing. D'Amato is listed in state records as secretary of Perceptions International.

Leslie Caldwell, the federal prosecutor in Brooklyn who brought the bomb possession charge against Trutt, recommended in an Oct. 19 letter that U.S. District Judge Joseph McLaughlin in Brooklyn "disregard... entirely" a tape offered by Hirsch in the federal case.

"Like a sports 'highlight film' made for the benefit of home team fans, the tape contains many of Trutt's most menacing and outrageous remarks; however, it omits the operatives' goading, encouragement and offers of money" Caldwell wrote. "As a result we believe the tape creates a misleading impression of Trutt's Connecticut activities."

On January 9, 1990 Judge McLaughlin sentenced Fran Trutt to the 14 months she had already spent in jail, ordered that she serve 3 years of probation and undergo psychiatric therapy after her trial in Connecticut.

Cloak and dagger at US Surgical

A commercial laboratory, US Surgical of Norwalk, Connecticut, has gained notoriety from increasingly suspicious circumstances surrounding the case of a woman who allegedly sought to kill its president and founder, Leon C. Hirsch.

When the news first broke that Fran Trout had been arrested by Norwalk police as she was placing a pipe bomb filled with nails near Leon Hirsch's reserved parking place at US Surgical, some New York papers devoted their whole first page to the news. Huge headlines, "Bow Wow Bomber" and "Puppy Love," carried what appeared to be at the time a simple message: an enraged animal lover had tried to murder the head of a laboratory.

But local Connecticut newspapers had, from the start, asked more questions.

The company eventually admitted using spies, according to *The New York Times*, (January 26, 1989), "to infiltrate animal rights organizations since the early 1980's."

As the story developed, it has been reliably reported that US Surgical paid Per-

Hirsch and *The Times*, "We do have people who are involved in animal rights organizations who report to us regularly."

A previous *Times* article (January 13, 1989) stated: "A man who has acknowledged driving an animal rights advocate armed with a bomb to the headquarters of the United States Surgical Corporation last November now says he was a paid informer cooperating with the company and the police . . .

Mr. Mead said in the interview that he had been recruited to strike up a friendship with Ms. Trout and follow her activities. He said he picked her up at her home at 30-18 90th Street in Jackson Heights, Queens, on the night of Nov. 10 and drove her, with the bomb, to United States Surgical . . . Mr. Mead and the police both said that he was working for a security consulting company, Perceptions International of Stratford. But the company's president, Jan Reber, denied that Mr. Mead worked for Perceptions. "

The company eventually admitted using spies, according to *The New York Times*, (January 26, 1989), "to infiltrate animal rights organizations since the early 1980's."

As the story developed, it has been re-

lied to potential customers. The dog dealers who have sold the animals to the company include some with unsavory reputations and at least one with a criminal record. For example, in 1983, dealer Rudolf Vranas struck was stopped by Burlington County SPCA agents who filed 20 counts of cruelty against him resulting in fines of \$4980. "The court finds that the transfer of animals covered with feces, urine and unable to stand constitutes unspeakable cruelty," Judge Harry Suppe said in finding Vranas guilty.

Soon after the dogs and cats were seized by the SPCA, two cats and three dogs were released to people who identified them as their missing pets. A large number of missing animals had been reported in the area during the preceding year. Other sources of dogs included Appeals-Asian Farms, which the USDA reported had "no facilities. It occurs to us that some irregularity is involved."

According to a Stamford Sunday Advocate report dated January 31, 1988, US Surgical's sales for 1987 were \$232.2 million

with earnings of \$20.1 million. The article refers to a 1984 SEC investigation that charged the company with inflating its earnings between 1979 and 1981 by falsifying records... US Surgical settled the case, restating its earnings, but never admitted to any wrongdoing." Leon Hirsch was quoted as saying, "Nobody can point a finger and say anything was ever proven."

Credited by US Surgical with starting the SEC investigation was a former employee, Alan Blackman. The article notes, "In 1984 the company won its suit in Australia against Blackman, who was found guilty of breaching contractual obligations by selling copies of its products... the legal fees for the Blackman suits and the SEC investigation totaled \$18.5 million."

What it was discovered that Perceptions In-

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An earlier (November 8, 1981) *Stamford Advocate* article reported with respect to the Federal Animal Welfare Act that US Surgical "did not receive its first federal inspection till 1979. At least three years after it began operating...because the company did not register with USDA until March 27, 1979."

US Surgical's dog dealers
Large numbers of random-source dogs are used each year by US Surgical to train sales staff for demonstration of surgical



Leon Hirsch, President of US Surgical, holds a surgical stapler.



Fran Tait (left) at pre-trial hearing:
"She was set up," said her attorney.

THE
ANIMAL WELFARE INSTITUTE
QUARTERLY

VOL. 38, NO. 1

Animal Welfare Institute
P.O. Box 3650
Washington, D.C. 20007

Members of Congress and their aides were invited to spend an all-expenses-paid weekend in Norwalk, including a tour of

Who are the players in this melodrama?

These excerpts from news reports are intended to help interested readers keep the strange events straight by identifying the participants.

NFTS-NFTM - 34-54

Marc Mead

According to the *Norwalk Hour*, (January 12, 1989) Marc Mead, who says he drove Trut and the bomb to US Surgical, "is on federal probation stemming from a 1984 conviction on charges of mail fraud . . . found guilty of violating probation in 1986 and [he] was ordered to undergo psychiatric counseling, according to a probation department official, who said Mead is still required to undergo counseling . . . Kenneth D'Anato, a Bridgeport attorney who has represented Mead since Trut was arrested Nov. 11, . . . is on the board of directors of Perceptions International Inc., which Mead claims hired him to monitor Trut's activities."

The February 4th United Press International wire states, "Mead claimed he had rehearsed Trut's arrest with a Norwalk police sergeant and US Surgical's chief of security. He talked Trut into planting the bomb at Hirsch's home so all would proceed as planned, Mead said. US Surgical said it employed Perceptions International for about five years as security consultants, but denied any link to Mead even though his sister is the security chief's secretary."

According to United Press International (February 22), Mead was provided with an Alfa Romeo and a Porsche "to impress Fran Stephanic Trut" . . .

Jan Reber,
Perceptions International and Perceptions Press
According to the *Westport News*, (January 29), in a story about *The Animal Rights Reporter*: "Launched last November, the newsletter is published by Perceptions headed by Jan R. Reber . . . A Washington, D. C., telephone number on the masthead rings in Perceptions' Stratford office . . . Connecticut state police are investigating whether Perceptions conducted an illegal

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"Although Mr. Reber applies undercover investigative services and performs them himself, he is not licensed to do the work. He and other Perceptions employees work under the license of a man named Keith Mayo.

"Mr. Reber is under contract to Westport Loon Hirsch, chairman of the board of US Surgical . . . Mr. Reber has been successfully sued twice by Leach and Gardner Company of Antakbaro, Mass. He was found guilty of unfair business practices in 1986 and ordered to pay the company \$26,220. A year later, as part of the same suit, he was ordered to pay the company \$8,740." The newspaper also details additional law suits.

A February 9th Associated Press wire states, "Reber, whose office is secured by a combination-locked door monitored by a video camera and intercom, said Perceptions first became involved with animal rights movements in Europe, where he said activists are far more militant and dangerous."

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Marc Mead next to van he used to transport Fran Trut and bomb to US Surgical.

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investigation into Trut's activities. Perceptions is not licensed in Connecticut to conduct investigations, police say."

A March 3rd *New York Times* article states: "The president of Perceptions International, Jan Reber, argues that his work is not investigative, but 'information gathering,' which is why he has not sought a private investigator's license from the state of Connecticut.

Speaking in an office heavily decorated in animal skins, imitation elephant tusks and African artifacts—many gifts from an earlier career as a security adviser in Africa—Mr. Reber stressed that he kept his distance from law-enforcement agencies."

Dr. Frederick Goodwin,
Head, Alcohol, Drug Abuse and Mental Health Administration

On February 5th *Newsday* wrote:

On Sep. 28, 1987, high-level directions and administrators of US government research agencies and the lobbyist for the nation's biomedical research industry met in Washington, D.C., to discuss the growing animal rights movement and ways to fight it.

"The stakes are enormous," wrote one federal official with the National Institute of Mental Health in an internal memo distributed after the meeting. "The animal rights movement threatens the very core of what the Public Health Service is all about." The "bunker" strategy is no longer tenable." The PHIS is a division of the US Department of Health and Human Services. "The memo goes on to outline a strategy designed to keep the government behind its scenes while encouraging other health-care groups to undermine the animal rights movement..."

The writer of the controversial memo is now head of the Alcohol, Drug Abuse and Mental Health Administration. His administration oversees the activities of more than a dozen health-related agencies, including the National Institute of Mental Health.

sur willing a break in the animal rights movement.

"Seymour Day 'Bud' Vestermark, Jr., who is a principal executive at Perceptions International, Inc., is well known among animal rights activists who say he has been seen at demonstrations around the country since 1986, often taking photographs and video-taping protesters.

"Vestermark, who on two occasions allegedly identified himself as a Harvard sociology professor, has a background in security and is a long-time associate of Alan Reber, president of Perceptions International, friends and associates said. He has been listed as a 'senior consulting editor' for *The Animal Rights Reporter*, a newsletter published by another company headed by Reber . . .

He also suggested in the memo that the agencies 'should pull together groups to think of more creative ways to counter the long-term threat posed by the animal rights movement. For example, it might be possible to fund special fellowships in research advocacy for investigators who many wish to include such activity in their career.'

The memo was distributed to all at the 1987 meeting, including Frankie Trull, a lobbyist who also runs the Foundation for Biomedical Research in Washington, D.C. Goodwin defends Trull's presence at the meeting and giving her copy of the memo. 'We're not allowed to lobby,' Goodwin said in the interview. 'There's a law against it. But all federal agencies have linkages to various advocacy groups interested in the business of that agency.'

On February 1, the *Norwalk Hour* published an article entitled "Trailing of Trull apparently one facet of medical researchers' broader plan". "The same month that Goodwin wrote his private memo (which was addressed to three scientists and Trull), Perceptions Press was created by Reber, who simply changed the name of the company from Scimell, Inc., an apparent contraction of security intelligence." The first issue of *The Animal Rights Reporter* rolled off the press a year later."

S. D. Vestermark, Jr.

According to the *Norwalk Hour* (February 1): "There is evidence that a third member of a Stratford security firm accused of conducting illegal private investigations has infiltrated animal rights groups for years under the guise of being a profes-

Norwalk police to cooperate with US Surgical..."

According to the *Weapon News* (February 1): "Ms. Trull alleged that Mrs. Sapone had attempted to locate her to kill Mr. Hirsch. 'The first time she telephoned me she said: "Hirsch ought to be blown from here to kingdom come. I wish we could buy a bomb. . . ."

John R. Williams, Fran Trull's Attorney

According to the *Danbury News-Times*, (February 2), New Haven attorney John R. Williams, who is defending Fran Trull, said: "Fran Trull was set up and Mary Lou Sapone played a role in that setup and continued to play that role long after the arrests were made . . . He claimed Sapone helped engineer the bombing attempt. He also said he is convinced Sapone was working for Perceptions International, a private security firm, and was being paid by US Surgical to discredit the animal rights movement and to scare the hell out of its followers."

Mary Lou Sapone (in dark glasses) poses as an animal rights supporter at a demonstration.



Mary Lou Sapone

"Perceptions International paid Mead a total of \$5,207 in fees and expenses between Aug. 17 and Nov. 10, 1988, the records show. Mead has said he was paid to befriend and inform on Trull for Perceptions International and US Surgical . . . According to financial statements, Perceptions International paid Sapone a total of \$39,612 in fees and \$23,434 for expenses between June 19, 1987 and Dec. 19, 1988.

"Perceptions International paid Mead a total of \$5,207 in fees and expenses between Aug. 17 and Nov. 10, 1988, the records show. Mead has said he was paid to befriend and inform on Trull for Perceptions International and US Surgical . . . In a February 6 article, *The Fairfield Advocate* states: "According to Trull, Sapone was the first person to suggest to her that she plant a bomb at US Surgical . . . Rademacher [an associate of Trull's attorney, John Williams] maintained yesterday that US Surgical, Perceptions International and the Norwalk police convinced and enabled Trull to plant the bomb. 'They provided her with money and transportation and other things,' he said. Rademacher noted that Norwalk police officers sometimes perform off-duty work for US Surgical, which the company and Police Chief Carl LaDainian have both confirmed. 'Apparently US Surgical believes they own the Norwalk police,' Rademacher said. 'Clearly their's a financial incentive by

The Detroit News

January 22, 1990

Shattered lives: Fight for strays costs dearly

By Dennis Pfaff
News Staff Writer

Cathy Blight knew she had to find her way out of her legal tangle when her 12-year-old daughter offered the money from her piggy bank to save the

"I knew this thing had to come to an end," said the Howell woman. "It had to."

Bright and Mary Lou Durbin of Plymouth spoke out publicly against Blight's home.

the sale of unclaimed stray animals by municipal pounds 'for scientific research.' As a result they were

RESEARCH. As a result, we have plunged into a nine-year legal fight that threw a shadow over their lives — and has made them something of a

The successful lawsuit filed by Michigan companies in their national cause.

against them by a Michigan company has alarmed constitutional scholars throughout the nation. They con-

and contend that the Blight-Durbin case is a prime example of a legal movement

that threatens basic First Amendment principles — including the right to free speech and to petition ter, a New York group, agreed. "This case is to my mind a absolutely notorious example of the

price tag an aggressive company can place on freedom of expression, on criticisms of a company's activities or even to put a price tag on views that the company views as detrimental to its corporate interest," he said. Kaufman added that in the Blight-Durbin case makes it arguable that the trial "focused on whether the views held by the defendants were correct," said W. Winsten, a Detroit lawyer for Blight. That, he said, "has minister implications for our society to try people for their political

Henry Kaufman, general counsel for the Liberal Defense Resource Center, views...
Please see Strays/5A

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for the Library Defense Resources Cen-

Strays

From page 1A

2 animal lovers' prolonged battle proved costly

HODGINS CHARGED that defendants made defamatory oral and written statements about the company. Some of the statements made direct reference to Hodgins, according to the court records; others referred to research performed on the animals after they were sold.

Blight and Durbin maintained that their opposition was to the whole industry that sells animals for research, not specifically to Hodgins, and they were just airing opinion. Hodgins won a jury verdict and was awarded a total of \$329,739 in damages from the two women and from Gardner City — which the court found breached its contract to sell animals to Hodgins and violated due process — and from two other animal rights activists.

The final settlement, with interest and costs, topped \$600,000, a lawyer involved in the case said.

DESPITE REPEATED REQUESTS, the Hodgin's refused to comment. Their lawyer, Nancy Kahn of Southfield, said in a letter to the Detroit News:

"This lawsuit was filed because false statements were made about the plaintiffs and their business."

Those statements were very damaging. The jury agreed and their verdict has been upheld by the appellate court in Michigan. Settlement agreements have been reached with all parties.

"Now that the plaintiffs have repeatedly proven that the statements made about them were false, they should be left alone and the false statements that precipitated this lawsuit should not be printed again."

The Court of Appeals overturned the case in August 1988 and ordered it retried in Wayne County Court.

According to Michigan Court of Appeals records, the Hodgin's are state and federally licensed dealers who raise or purchase unwanted animals from municipal and county pounds, specifically Garden City and Monroe and Livingston counties. These minors are then sold, wormed, treated and ear tagged.

The animals then undergo certain conditioning which includes worming treatments and ear

clipping. Plaintiffs sell these animals to hospitals, universities and drug companies for use in animal research, experimentation, teaching, surgical and medical procedures, pharmaceutical testing and toxicology studies.

him or label him. I talked against the issue, and I felt that what I was doing was within my constitutional rights. According to legal experts, that's why such cases are worrisome.

"If citizens get sued ... for speaking out in a government context, we're going to chill the whole notion of public participation in government," said George Pring, a University of Denver law professor.

"It's really what keeps us a stable democracy — the ability to speak out without fear, about political issues," added Penelope Canan, a sociologist at the University of Denver.

CANAN AND PRING have been participating in a study of what they have dubbed SLAPPs — strategic lawsuits against political participation. So far, they have found about 300 such cases nationwide since 1970, a number believed to represent just a fraction of the total.

These suits all have the same end — to silence criticism, Canan said.

"The Durbin case," Pring said, "is an extreme, alarming example both that SLAPPs are alive and well in Michigan and that the Michigan court system hasn't caught on the way other court systems have."

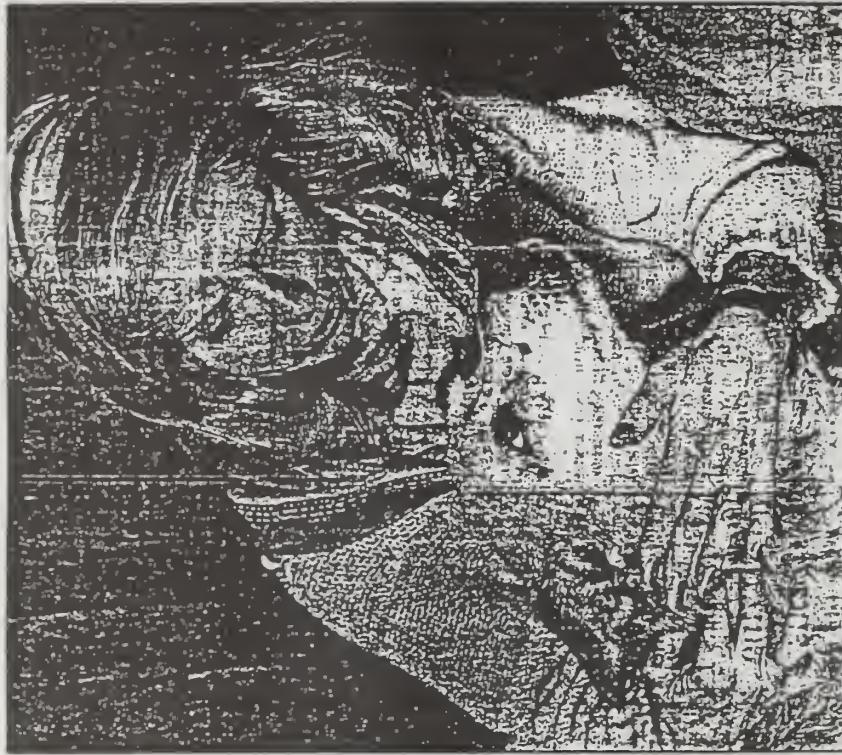
PRING SAID the most common targets of such suits are people opposing land development; next are citizens sued by government agencies. Police officers and teachers also have sued their critics, and environmental groups are another common target.

Pring said that some groups have effectively started using what he calls the "SLAPP back" — a counterattack against the original file in the case. But the chill can occur even if, as in the vast majority of cases, the suit is unsuccessful. Pring said the average length of such a case is 33 months. During that time, the suit takes a financial and emotional toll.

"The thing that's most frightening about this," said Winetka, "is that Cathy [Hodgins] is like a lot of people who know a good American who got involved in her community on a particular issue and got saddled with a huge law suit."

DURBIN'S LAWYER, Michael Waller, agreed. "The only think is, these are not the animal rights terrorists, if you will, for taking into environmental laws or disrupting environmental issues," said Waller, who handled Durbin's case. "These are people pursuing environmental laws in their interests, either in their business interests, either in their personal interests."

"I didn't say anything against the [animal rights] shakers," he said. "I still do."



CATHY HODGINS
Animal lover Cathy Blight of Howell, with her dog Harper, protested the sale of stray animals by municipal pounds for scientific research.

DETROIT NEWS

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QUADS V. 144 The Detroit News

"This case involved fundamental animal rights issues and got saddled with a huge law suit."

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and of speech grounds. Two defendants filed for bankruptcy and settled after the verdict.

The Court of Appeals overturned the case in August 1988 and ordered it retried in Wayne County Court. Hodgin's Kembra Inc., owned by Fred and Jan Hodgin of Howell

ACCORDING TO Michigan Court of Appeals records, the Hodgin's are state and federally licensed dealers who raise or purchase unwanted animals from municipal and county pounds, specifically Garden City and Monroe and Livingston counties. These minors are then sold, wormed, treated and ear tagged.

The animals then undergo certain conditioning which includes worming treatments and ear

clipping. Plaintiffs sell these animals to hospitals, universities and drug companies for use in animal research, experimentation, teaching, surgical and medical procedures, pharmaceutical testing and toxicology studies.

"You file cases in a particular place, it's what this country is addressed on," Amory said.

BLIGHT, 42, who is uncircumcised and has a husband and two children, settled for \$15,000.

The money was principally animal rights groups, with the kudos given to animal and animal rights activists Cleveland Animal

ALTHOUGH THE CASE is over, the lawyers still are engaged in the questions they had been asked on.

Amory said:

"I think that true speech is free speech, it's what this country is based on," Amory said.

Corporate Headquarters
40 West 40th Street
New York, New York 10018
Tel. (212) 703-5100

CONFIRMATION FAX

Legal and Corporate Affairs

American Standard Inc.

PAGE 1 OF 1

January 8, 1990

TO: MR. WILLIAM JOSEPH COTREAU
ANIMAL WELFARE INSTITUTE
P. O. BOX 3650
WASHINGTON, D.C. 20007

FROM: JOHN P. SINNOTT
AMERICAN STD, INC.
40 WEST 40TH STREET
NEW YORK, NY 10018

FAX # 9-1-202-338-9478

FAX # 1-212-703-5144

Dear Mr. Cotreau:

Re: Bill S.727 "Protection of Animal Research Facilities"

Your December 28, 1989 message requesting my professional reaction to the above-identified Bill is really appreciated. Please let me make clear at the outset, however, that the views and opinions expressed in this message are my own, and do not in anyway reflect the position, if any, that American Standard Inc. may have on this proposed legislation.

With the foregoing, caveat in mind, as I read S.727, in spite of an initial set of findings that the Federal Government has an interest in preventing damage to Federally funded animal research, as well as in preventing loss of physical and intellectual property, the "Prohibited Acts," however, are not so limited. For example, in the "Prohibited Acts" portion of the Bill, an "animal research facility" is not defined as one that is conducting Federally funded research, or even a facility that has intellectual property on its premises.

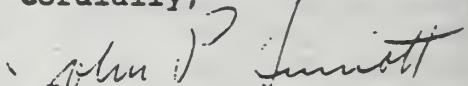
The "Prohibited Acts" appear to be an attempt to enact a Federal "breaking and entering" criminal law that is limited to breaking and entering, robbery, theft, and the like, with respect to an animal research facility. Congress has no general power to adopt police regulations within the

territorial limits of a state and it cannot take this power from the states or attempt any supervision over the regulations of the states established under the power, 16A Am Jur 2d, Constitutional Law #381. The police power has always belonged to the states, and was not surrendered by them to the Federal Government 16A Am Jur 2d, Constitutional Law #375. "Breaking and entering" is a typical criminal statute that characterizes, in one form or another, the criminal laws of all of the fifty states. Consequently, it is my opinion that Bill S.727, by its broad terms, is an improper attempt on the part of the Federal Government to intrude into the reserved police power of the several states with respect to the crime of breaking and entering an animal research facility, whether there is any Federal interest in that facility, or not. Thus, S.727, if enacted as written in the material that you sent to me on December 28, would involve an unconstitutional exercise of police power by the Federal Government.

Further in this respect, the raw data and technology available in an "animal research facility" ordinarily would be in the category of a "trade secret." Trade secrecy is a matter of the Common Law, controlled by each of the several states under the general doctrine that there is no Federal Common Law. This doctrine was established years ago in Erie v. Tompkins, a celebrated case, familiar to American lawyers. There is, as a consequence, no Federal trade secret law operative in all of the fifty states. Thus, this attempt to invoke a Federal interest in the intellectual property available in an animal research facility also fails because it is beyond the Constitutional power of the Federal Government to legislate in this area.

Thank you so very much for requesting my opinion on this proposed legislation. Communicate with me if I can be of further assistance to you.

Cordially,


John P. Sinnott
Chief Patent and
Trademark Counsel

JPS:neb

Testimony of

**John F. Kullberg, Ed.D.
President**

The American Society for the Prevention of Cruelty to Animals

Thank you for this opportunity to speak on behalf of America's first humane society and, today, one of the world's largest, The American Society for the Prevention of Cruelty to Animals. My name is John Kullberg and I am the President of the ASPCA. On behalf of our almost 400,000 contributing members nationwide I urge you not to support H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1990."

The ASPCA, in addition to its humane legislation, education, shelter and veterinary programs for animals, is also a law enforcement organization. Agents of the ASPCA are designated as peace officers in New York State and as such are authorized to enforce animal protection laws and regulations. Our agents have the power to conduct investigations, issue summonses, make arrests and carry weapons.

The ASPCA believes in the importance of law and the need for law enforcement. We do not support breaking and entering, vandalism, theft or destruction of another's property. Given our law enforcement role over the last 124 years, we are very sensitive to the need for statutes that are clear, necessary and enforceable.

Fortunately, most Americans, whether or not they are against the way many animals are used in research or raised and slaughtered for food, share the ASPCA's opposition to theft, destruction of property and violence. This is evident in the fact that while several million people throughout the country contribute to and are members of humane societies with varying viewpoints on animal protection issues, there have been relatively few incidents of the kind of illegal activities that H.R. 3270 attempts to address. Contrast this with the number of incidents of destruction of property, theft or violence perpetrated against other types of institutions that are as legally incorporated and protected as are farms and institutions engaged in research and the need and underlying purpose of H.R. 3270 becomes even more questionable. Do we need a separate law, for example, to protect legally incorporated abortion clinics from acts of violence, theft and destruction that the radical wing of the "pro-life" movement has occasionally engaged in? Or is this proposed legislation actually an attempt to suggest

that those among us who indeed do believe that an animal in our care has a right not to be harmed, abused or exploited are by definition pro-violent and therefore need to be singled out from all other great causes, debates and movements in America?

Why is H.R. 3270 even being considered when no less an authority than the United States Department of Justice has determined that sufficient legislation already is in place to address the problems of theft, destruction of property and other illegal acts of violence against farms and research and educational institutions and, for that matter, abortion clinics? Since H.R. 3270 actually serves no legally necessary purpose, it would appear that the only reason it was drafted in the first place was to undermine the animal protection/animal rights movement, a movement that by definition is ethically based and nonviolent.

In addition to being unnecessary legislation whose sole purpose appears to be to wrongfully depict the animal protection movement as one which is fraught with persons engaging in illegal activities (a position that I as an animal rights advocate find personally offensive) the language of H.R. 3270 is so overbroad that it could also serve to thwart appropriate law enforcement activities against those who violate already existing animal protection statutes.

Law enforcement agencies, including those that are operated by the federal government, such as the Animal Plant Health Inspection Service of the United States Department of Agriculture, and by state governments and private societies for the prevention of cruelty to animals, are empowered by statute to enforce animal protection laws. Agents of such private organizations and government agencies are legally empowered to enter animal facilities to conduct investigations either pursuant to search warrants or based on other statutory rights of entry. At times, such agents uncover violations of local, state and/or federal animal protection statutes and then, in accordance with their authority, seize or, as a last resort, cause to be humanely euthanized, those animals found to be seriously neglected or otherwise mistreated. Such legal entry frequently is without the consent of the owner of the animals, and the owner

of the animals may, under existing laws, legally be deprived of them -- temporarily, and perhaps even permanently. And this now legal seizure could indeed disrupt the enterprise conducted at the facility. Compare this scenario with what H.R. 3270 expressly prohibits. This totally unnecessary law, could, if passed, have an extraordinary negative effect: It could actually serve to stifle legitimate enforcement of existing federal, state and local animal anti-cruelty statutes and regulations.

It also should be noted that the penalties for the violation of the provisions included in H.R. 3270 far exceed the penalties for the violation of the provisions of the existing federal Animal Welfare Act. Since over the years there have been hundreds more violations of the Animal Welfare Act when compared to the relatively few incidents of illegal activities perpetrated against farms and research institutions, I believe it would make far more sense to increase the penalties for violation of the federal Animal Welfare Act than to consider passage of H.R. 3270. And should, through some miscarriage of justice, H.R. 3270 be approved by Congress, with all of its inherent problems and strange precedent value, then this Congress should in fairness expeditiously strengthen the existing penalties of the federal Animal Welfare Act, and make sure that H.R. 3270 does not eviscerate the enforcement provisions of the federal Animal Welfare Act altogether. To quote a somewhat apt phrase, "what's good for the goose is good for the gander."

Rather than address theft and destruction of research facilities and farm animal property by an unnecessary, duplicative and I believe wrong-headed federal statute, my suggestion is that legislation be enacted to provide for more humane conditions at research laboratories and farm animal facilities and to provide the public with a greater opportunity to have existing animal protection laws better enforced. Such a strengthening of already existing laws and regulations to protect animals from harm and outright abuse and better enforcement of these laws would do much to undermine the sources of frustration that so many humanely committed individuals now experience when they witness physical and emotional pain and suffering that many institutionalized

animals are regularly subjected to. Some ways existing laws could be strengthened include the following:

1. Provide USDA with more funding to enforce the Animal Welfare Act.
2. Allow citizens to bring suit against the USDA to compel enforcement of the Animal Welfare Act when evidence shows that it is not being properly enforced.
3. Provide for more funding to find alternatives to animal tests and experiments.
4. Provide for greater public access to and more representation on Institutional Animal Care and Use Committees.
5. Ban those tests that most qualified scientists tell us are unnecessary, such as the Draize Eye Irritancy Test and the Classic LD 50 Test, particularly for cosmetic and consumer product testing.
6. Provide that the environment of all animals in laboratories and on farms to promote the animals' emotional and physical needs.
7. Provide that veal calves and other farm animals be given sufficient space to turn around and lie down comfortably and, in the case of birds, spread their wings.
8. Specifically include rats, mice and birds within the definition of "Animal" in the federal Animal Welfare Act.
9. Provide more incentives for farmers to engage in organic and low input sustainable animal agriculture, particularly in light of a rapidly growing

- 5 -

body of evidence that demonstrates a direct adverse relationship between many existing animal husbandry practices and the health of those humans who ingest meat and dairy products from these intensively confined animals.

A resolution recently adopted by the Boards of Directors of The American Society for the Prevention of Cruelty to Animals, The Humane Society of the United States and the Massachusetts Society for the Prevention of Cruelty to Animals I believe is representative of the views of most people involved in the humane movement regardless of how far reaching their philosophies with respect to the use and care of animals, and I would like to share it with this Committee:

WHEREAS the foundation of the animal protection movement is that it is wrong to harm others; and

WHEREAS threats and acts of violence against people and willful destruction and theft of property have been associated with the animal protection movement, therefore be it

RESOLVED that we oppose threats and acts of violence against people and willful destruction and theft of property, and

RESOLVED that we shall energetically work to reduce, as rapidly as possible, the massive pain and suffering of billions of animals through non-violent means.

I am sharing with this committee, as an addenda to this testimony, the document from which this resolution is taken to better acquaint you with indeed a coherent unified and widely accepted animal rights/animal protection agenda. I trust that these "Joint Resolutions for the 1990s by American Animal Protection Organizations" will serve to impress upon you not only our commitment to nonviolence but also our commitment to better animal protection laws and their enforcement.

H.R. 3270, if enacted, in addition to presenting potential problems for law enforcement agencies empowered to investigate violations of existing and possibly future animal protection statutes, will only serve to appease interest groups that are intent upon destroying the image of the American humane movement -- a movement that does not promote harm or destruction but one which is dedicated to the betterment of life for all beings, human and nonhuman. I implore you not to let this happen, and we are particularly pleased to see that the United States Department of Justice agrees with us that this law is not needed.

Thank you for this opportunity and the privilege of sharing these views with you this morning.



NEW YORK MEDICAL COLLEGE

Valhalla, New York 10595
 (914) 993-4500
 FAX: (914) 993-4565

OFFICE OF THE DEAN

June 8, 1990

Rep. Charlie Stenholm (D., Tex.)
 U.S. House of Representatives
 Washington, D.C., 20515-4317

Dear Representative:

I am writing this letter to you in your role as a member of the House Committee on Agriculture's Subcommittee on Department Operations, Research, and Foreign Agriculture. It is my understanding that on June 14, 1990 H.R. 3270 the "Farm Animal and Research Facilities Protection Act" will be marked-up.

As a medical school Dean, I am well aware of the importance of animals in biomedical research. We have taken great efforts at this school, as well as many other medical schools, to reduce the use of animals in both education and biomedical research. However, it is my strong belief that major advances in biomedical research cannot be totally separated from the use of animals.

Animal rights groups have on occasion destroyed valuable property at academic centers where animal research has been carried out. Although I am a strong advocate of animal rights and the humane treatment of animals this type of activity is unconscionable and needs to be stopped. This bill would be a major step in assuring that actions which destroy equipment and buildings or harm researchers and their families would be a federal offense. Such a bill would, hopefully, reduce the senseless acts of violence that have recently occurred throughout the country at animal research facilities.

I strongly urge, on behalf of the faculty of this medical school, the approval of H.R. 3270 so that a strong message will be sent that proper use of animals in research is acceptable and necessary if we are to continue to advance in improving the health of our country's citizens.

Sincerely,

 Karl P. Adler, M.D.
 Dean

Holstein Association

ZANE AKINS
Chief Executive Officer

1 Holstein Place
Brattleboro, VT 05301-0808

Telephone: 802-254-4551
FAX 802-254-8251
TWX 710 363 1871
Answerback: HOLSTEIN BRAT

May 11, 1990

The Honorable Charlie Stenholm
U.S. House of Representatives
Washington, D.C. 20515-4317

RE: H.R. 3270

Dear Mr. Stenholm:

The 56,000 members of Holstein Association of America that represent over 20,000 dairy farm operations, strongly supports H.R. 3270. Legislation is needed that will protect United States farms, ranches and research facilities from the disturbing vandalism and violence attributed in many cases to Animal Rights Activists.

It is agreed that it should be a Federal crime to disrupt the business at a farm animal facility through the release, theft or loss of any animal and/or to damage or steal any property in or on such a facility. The same is true for a research facility. Legislation that will clarify direction and jurisdiction for the benefit of law enforcement agencies in order that they can deal more efficiently with such criminal activity is needed.

I am speaking for a membership that is overwhelmingly in agreement on this issue. We are particularly sensitive to this need because many dairymen using good animal husbandry practices start their calves in stalls resembling those used by veal growers, and practically all veal calves are Holsteins. Veal constitutes an economically important product of our dairy farm operations. It is unfortunate that veal growers have been a primary target of animal rights activity, but we do not in any way minimize vandalizing farms and ranches and cattlemen's office buildings as well as livestock markets that are important to the orderly marketing of dairy cattle as well as other species of livestock.

This Association commends Representative Stenholm for introducing the H.R. 3270 entitled the "Farm Animal and Research Facilities Protection Act of 1989" and commends all representatives that have signed on as cosponsors. It is important that this legislation have hasty and unanimous approval by the subcommittee on Department Operations, Research and Foreign Agriculture. We urge prompt action in order that this legislation can be moved to the floor of the House before June 1 without modifying amendments intended to decrease the effectiveness of this Bill.

Sincerely yours,

Zane Akins
Chief Executive Officer
A/N/h

Holstein-Friesian Association of America®



National Turkey Federation

SERVING THE NATION'S TURKEY INDUSTRY

11319 Sunset Hills Road, Reston, Virginia 22090-5205

Stuart E. Proctor Jr., Executive Vice President

703 435-7206
FAX 703 481-0837

August 1, 1989

The Honorable Charles Stenholm
U.S. House of Representatives
1226 Longworth H.O.B.
Washington, DC 20515

Dear Congressman Stenholm,

We strongly support your legislation which will make it a federal crime to disrupt or vandalize the business of a farm, ranch, food processing facility or an animal research facility. This much needed legislation will deter and punish those who commit crimes of violence against those who produce, process or research farm animals.

This steady increase in vandalism is posing a serious threat to the nation's food supply and should not be tolerated. A small group of activists has chosen not to take full advantage of our open democratic form of government and has instead resorted to militant actions in an illegal expression of its' views.

Congressman, we appreciate your efforts in introducing this legislation and your determination in protecting the rights of producers and consumers alike. NTF is eager to provide whatever assistance necessary to ensure prompt passage of this legislation.

Sincerely,

Eddie Aldrete

Eddie Aldrete
Director of Public Affairs

John Wickliffe President
Gary Ruka Secretary-Treasurer

Wyatt Upchurch Vice President
Pete Hermanson Immediate Past President

MICHIGAN FARM BUREAU

7373 West Saginaw Highway, Box 30960, Lansing, Michigan 48909-8460
Phone (517) 323-7000

August 29, 1989

Honorable Charles Stenholm
1226 Longworth Building
Washington, D.C. 20515

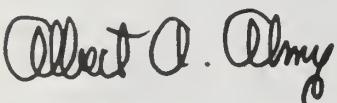
Dear Congressman Stenholm:

Michigan Farm Bureau has learned of your plans to introduce legislation entitled the Farm Animal and Research Facilities Protection Act of 1989. The legislation is needed to protect farms and research facilities against disruption, break-ins and vandalism by making it a federal crime to perform such acts.

Michigan Farm Bureau strongly supports this legislation and commends you for taking the initiative to introduce it. We will work at the proper time and in a manner most effective for enactment.

Thank you for recognizing the need to provide farms and research facilities with this protection.

Sincerely,



Albert A. Almy, Director
Public Affairs Division

cs

JOINT RESOLUTIONS

For the 1990s

BY

AMERICAN ANIMAL PROTECTION ORGANIZATIONS

ON

NON-VIOLENCE **Page 1**

LABORATORY ANIMALS **Page 1**

FARM ANIMALS **Page 3**

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EXHIBITION/WORK ANIMALS **Page 7**

INTRODUCTION

In order to establish the 1990s as a decade of rapid progress in diminishing the pain and suffering that billions of animals experience each year in laboratories, on farms, in the wild, as pets, in sports and entertainment, in exhibits and work situations, the undersigned humane organizations, representing millions of concerned American citizens have adopted the following Resolutions to promote and guide both individual and joint efforts on behalf of these animals who are so much in need of our immediate and compassionate care and protection.

NON-VIOLENCE

WHEREAS the foundation of the animal protection movement is that it is wrong to harm others; and

WHEREAS threats and acts of violence against people and willful destruction and theft of property have been associated with the animal protection movement; therefore be it

RESOLVED that we oppose threats and acts of violence against people and willful destruction and theft of property.

RESOLVED that we shall energetically work to reduce, as rapidly as possible, the massive pain and suffering of billions of animals through non-violent means.

LABORATORY ANIMALS

WHEREAS millions of animals are confined and subjected to experimentation and testing in research, testing and educational facilities each year; and

WHEREAS current laws and regulations do not require or actively encourage corporations and institutions to reduce animal use, pain or suffering, nor develop and implement alternatives; and

WHEREAS many corporations and institutions continue to perform the classic Lethal Dose 50% test (LD50), the Draize test, and other needless and outdated tests which cause suffering and death to millions of laboratory animals; and

WHEREAS the United States Food & Drug Administration has stated that it does not require use of the classic LD50 test but has not stated which tests it would find acceptable in lieu of the classic LD50; and

WHEREAS the United States Department of Agriculture has arbitrarily excluded rats, mice, birds and farm animals used for research and testing purposes from the protection of the federal Animal Welfare Act despite the fact that rats and mice are estimated to comprise more than 90% of animals used in laboratories; and

WHEREAS a number of states exempt research and testing on animals from the protection of anti-cruelty statutes; and

WHEREAS the public, through taxation, pays for much of the research and testing involving animals, and therefore should have free access to information about the use of animals in laboratories; therefore, be it

RESOLVED that we shall initiate and support legislation, regulations, litigation and shareholder proposals that encourage corporations and institutions to promote and implement alternatives, thereby reducing animal use, pain and suffering. Some of the initiatives we support are to:

- Ban the classic LD50 test.
- Ban the Draize rabbit eye test in cosmetic and household product testing.
- Eliminate, where applicable, provisions in state legislation which exempt animals used in research, testing and education from the protection of anti-cruelty statutes.
- Support legislation and regulatory action to promote alternatives and to facilitate and encourage the sharing of data and alternative methods.
- Support legislation and regulatory action which mandates that regulatory agencies specify which alternatives will be accepted by them to replace traditional animal tests.
- Support legislation to require the United States Department of Agriculture (USDA) to enforce the federal Animal Welfare Act (the Act) so that rats, mice, birds, and farm animals used for research and testing purposes are included under the protection of the Act; Increase efforts to urge the USDA itself to initiate these changes; or initiate litigation to ensure that the above-mentioned animals are no longer excluded from the Act.
- Support legislation to prohibit elementary and secondary school students from performing experiments on animals which cause or could tend to cause pain, suffering or death.
- Support students at all levels who object to experimenting on animals or dissecting animals to ensure that they be given an opportunity to choose alternate projects, approved by their teachers, without a grade reduction.

- Support efforts to make institutional animal care and use procedures (protocols) and the minutes of institutional animal care and use committee meetings available to the public.

FARM ANIMALS

WHEREAS billions of farm animals are raised each year using intensive production systems; and

WHEREAS the conditions under which farm animals are raised frequently do not meet the animals' basic physical and behavioral needs; and

WHEREAS frequently the confinement systems used for raising farm animals necessitate the routine use of sub-therapeutic doses of antibiotics and other drugs; and

WHEREAS antibiotic and other drug residues in meat and dairy products raise public health concerns; and

WHEREAS Sweden and other western European countries have enacted laws and regulations to provide farm animals with an environment in which their natural behavior is considered, and in which husbandry practices are designed to safeguard animal health and well-being; and

WHEREAS there are no laws and regulations in the United States which specifically define standards for the raising of animals for food; therefore, be it

RESOLVED that we shall work together to secure enactment of legislation that requires the basic behavioral and physical needs of farm animals be met, so that America's farm animals are assured the following minimum standards: the freedom to be able to stand up, lie down, extend their limbs or spread their wings, and make other normal postural adjustments; an adequate supply of nutritious food; adequate veterinary care; and an environment that suits their physical and behavioral requirements.

RESOLVED that we shall work together to eliminate, where applicable, state legislation which exempts animals used for food from the protection of anti-cruelty statutes, as regards husbandry practices.

RESOLVED that to facilitate the establishment and passage of such legislative efforts, we shall encourage state and federal bodies to study alternative systems used in other countries as well as existing practices in the United States.

RESOLVED that we shall work cooperatively with consumer and environmental organizations and farm groups to accomplish our goals, so that legislation is compatible with current initiatives aimed at protecting farmers, consumers, farm animals, and the environment.

WILD ANIMALS

WHEREAS millions of wild animals are killed each year for their fur; and

WHEREAS these animals are either caught in cruel traps which maim their victims; or are kept for their entire lives in confinement with little consideration given to their basic behavioral and physical needs; or are otherwise hunted and killed; and

WHEREAS wild animals often are brutally killed by trappers for their fur, and animals raised for their fur are generally killed by methods that cause suffering; and

WHEREAS trapping, hunting and raising of animals for their fur are unjustifiable, cruel practices that in addition to causing pain, suffering and death to animals have also resulted in the depletion of some species; and

WHEREAS the killing of animals for their fur is unjustifiable, unnecessary and wrong and is against principles of respect and reverence for all life; and

WHEREAS millions of animals are maimed and killed for recreation by sport and trophy hunters each year; and

WHEREAS some hunters use particularly cruel hunting methods including, but not limited to, bow-hunting and engage in particularly cruel and unnecessary hunting activities, including, but not limited to, shooting tame animals, most notably birds, that are bred and raised solely to be released and shot; and

WHEREAS national wildlife refuges were established to preserve, protect and enhance wildlife yet many of these refuges allow sport hunting and/or trapping; and

WHEREAS as a result of hunting and other factors, many species have become threatened or endangered; and

WHEREAS the mass destruction of elephants for ivory may soon cause their ecological extinction; and

WHEREAS millions of wild birds and other wild animals suffer and die every year due to capture, transport, and confinement for the international pet trade; and

WHEREAS commercial and recreational trapping results in cruel and brutal destruction or injury to millions of pets and other non-target animals each year; and

WHEREAS the world's tuna industry, in the course of fishing with purse seine nets, knowingly kills tens of thousands of dolphins annually; and

WHEREAS some commercial fishermen engage in particularly cruel practices such as the use of drift nets which indiscriminately kill hundreds of thousands of dolphins, sea birds, turtles and other animals each year; therefore, be it

RESOLVED that we shall work together to educate the public about the cruelty involved with the trapping, raising and hunting of animals for their fur, and to urge the public not to purchase or wear fur.

RESOLVED that we shall work together in an effort to enact laws to ban particularly cruel practices associated with the capture and raising of animals for their fur such as, but not limited to, the use of steel jaw leghold traps.

RESOLVED that we shall work together to secure the passage of laws to prohibit particularly cruel hunting practices and activities.

RESOLVED that we shall work together to secure passage of a law to prohibit sport hunting and trapping on national wildlife refuges.

RESOLVED that we shall work together to require local and federal wildlife agencies to develop and promote programs to curb overpopulation of wildlife through means which do not involve the killing of animals.

RESOLVED that we shall work together to ensure that species are appropriately designated as threatened or endangered and receive the protection afforded under federal laws and international treaties.

RESOLVED that we shall work together to secure a ban on the indiscriminate use of drift and purse seine nets.

RESOLVED that we shall work together to secure passage of legislation and regulations to end the slaughter of dolphins by the tuna industry; and to urge the public not to purchase tuna products derived from fishing practices that result in the death of dolphins.

COMPANION ANIMALS

WHEREAS millions of stray, homeless and unwanted dogs and cats are euthanized each year at animal shelters and pounds; and

WHEREAS countless dogs and cats that are abandoned, along with those animals that are lost or born on our streets, die from starvation, accidents, the elements or abuse; and

WHEREAS wild animals are often kept as pets despite the fact that few people have the knowledge or ability to provide humane care and a suitable environment to house these animals; and

WHEREAS millions of dogs are mass produced at "puppy mills" where they are often kept in unsanitary conditions and deprived of necessary care and then sent to pet stores where they also may receive inadequate care; and

WHEREAS public trust in shelters and pounds and the well-being of animals are threatened when the care and treatment of animals in shelters and pounds are substandard or when shelters and pounds transfer animals in their custody to research and other institutions for experimentation; therefore, be it

RESOLVED that we shall continue to develop and implement programs to educate the public about the serious dog and cat overpopulation problem and their responsibility to have their dogs and cats spayed or neutered.

RESOLVED that we shall continue to develop and implement programs to educate the public about responsible and humane care and treatment of their animals.

RESOLVED that we shall continue to develop and implement programs to discourage the public from keeping wild animals as pets.

RESOLVED that we shall work cooperatively to secure passage of laws to encourage and facilitate the spaying and neutering of dogs and cats, to establish humane standards for the care and disposition of animals at shelters, pounds and pet stores and to provide for greater fines for violating cruelty to animals and animal abandonment laws.

RESOLVED that we shall work cooperatively to secure the passage of laws to ban pound seizure--the practice of transferring animals from shelters and pounds to research and other institutions for experimentation.

RESOLVED that we shall endeavor to secure greater enforcement by the United States Department of Agriculture and local law enforcement agencies of those laws and regulations which

provide for the humane care of dogs, cats and other animals which are bred, raised and kept for sale or other purposes.

EXHIBITION/WORK ANIMALS

WHEREAS millions of animals are used in circuses, zoos, carnivals, rodeos, races, films, videos and in other animal acts, exhibits and work, and

WHEREAS these animals often are made to perform in ways that are both dangerous and unnatural for their species, and

WHEREAS the behavioral and physical needs of these animals often are not adequately provided for, and

WHEREAS the training practices that animals are subjected to are often abusive, and

WHEREAS some animals are captured from their natural habitats for the sole purpose of putting them on public display; and

WHEREAS the confinement of animals in zoos, roadside zoos, and menageries results in indiscriminate breeding and production of large numbers of captive animals which are often subject to cruel and abusive treatment and disposal; therefore, be it.

RESOLVED that we shall work together to secure the enactment of laws to prohibit abusive training practices, to prohibit practices that are dangerous to the animals, to prohibit the capture of animals in the wild to be used for exhibition or work purposes, to limit the breeding of captive, wild animals and to prohibit their cruel disposition and to require that the behavioral and physical needs of exhibition/work animals be considered.

RESOLVED that we shall work together to secure greater enforcement of laws and regulations which provide protection to animals used for exhibition/work purposes.

Animal Protection Organizations	Signatories
The American Society for the Prevention of Cruelty to Animals	John F. Kullberg, <i>Ed. D., President</i>
The Humane Society of the United States	John A. Hoyt, <i>D.D., President</i>
The Massachusetts Society for the Prevention of Cruelty to Animals	Gus Thornton, <i>D.V.M., President</i>

*Additional organizations to be added following distribution of
these resolutions.*

**ASSOCIATION
FOR
ACADEMIC
SURGERY**

1989-1990

DANA K. ANDERSEN, M.D.
PRESIDENT

Department of Surgery
The University of Chicago
5841 So. Maryland Avenue
Chicago, IL 60637
(312) 702-6214

R. NEAL GARRISON, M.D.
PRESIDENT-ELECT
Department of Surgery
University of Louisville
Louisville, KY 40292
(502) 588-5675

KAREN S. GUICE, M.D.
SECRETARY-TREASURER
Department of Surgery
The University of Michigan
MSRB II, A560A
Ann Arbor, MI 48109-0654
(313) 764-3250

JOEL J. ROSLYN, M.D.
RECORDEER
UCLA School of Medicine
Division of General Surgery
10833 LeConte Avenue, Rm. 72-215
Los Angeles, CA 90024
(213) 825-6156

WILEY W. SOUBA, M.D., Sc.D.
CHAIRMAN, MEMBERSHIP COMMITTEE
Department of Surgery (Box J 286)
University of Florida, College of Medicine
Gainesville, FL 32610
(904)395-0494

MERRIL T. DAYTON, M.D.
CHAIRMAN, COMMITTEE ON ISSUES
University of Utah, College of Medicine
50 N. Medical Drive, Rm. 3B312
Salt Lake City, UT 84132
(801) 581-3820

JULIE A. FREISCHLAG, M.D.
CHAIRMAN, COMMITTEE ON EDUCATION
UCLA Medical Center
Department of Surgery
10833 LeConte Avenue
Los Angeles, CA 90024
(213) 825-9429

RICHARD H. BELL, JR., M.D.
IMMEDIATE PAST PRESIDENT
Department of Surgery, (ML 558)
University of Cincinnati, College of Medicine
231 Bethesda Ave
Cincinnati, OH 45267
(513) 558-7207

FUTURE MEETINGS
Houston, TX Nov. 14-17, 1990
Co. Springs, CO Nov. 20-23, 1991

May 31, 1990

Rep. Charlie Stenholm
U.S. House of Representatives
Washington, DC 20515-4317

Re: H.R.3270

Dear Rep. Stenholm:

I write to you regarding the "Farm Animal and Research Facilities Protection Act," sponsored by Rep. Stenholm and others, which I understand you are about to consider. The Association for Academic Surgery has great interest in the outcome of this legislation, and I therefore urge you to approve this bill.

This Association represents over 2,400 surgeons who comprise the majority of those academic surgeons responsible for teaching and research activities throughout the medical schools of this country. Perhaps no other group is as concerned with the protection of animal and research facilities, and the appropriate and humane application of animal research to promote innovations and improvements in the treatment of human disease. We are deeply committed to the responsible and humane care of research animals, and we are well aware of the fact that most of the animal and research facilities in this country are supported by Federal research dollars in one form or another. We therefore feel it particularly appropriate that the theft, destruction, or unauthorized use of research animals, equipment, data, or facilities should be a Federal offense.

On behalf of this Association, I urge you to approve H.R.3270. Please do not hesitate to let me know if we can provide further assistance or information that would be useful to you in your considerations.

Sincerely yours,

Dana K. Andersen, M.D.

DKA:dt

**Louisiana Farm Bureau
Federation, Inc.**

P.O. BOX 95004 • 9516 AIRLINE HIGHWAY
BATON ROUGE, LA. 70895-9004 • PH. 504/922-6200

"Voice of Louisiana
Agriculture"

August 28, 1989

The Honorable Charles W. Stenholm
U. S. House of Representatives
1226 Longworth House Office Building
Washington, DC 20515

Dear Congressman Stenholm:

The Louisiana Farm Bureau Federation (LFBF) supports your efforts in introducing the Farm Animal and Research Facilities Protection Act of 1989, which makes it a federal crime to break into farms, ranches, and research facilities. Legislation of this nature is needed to provide protection to our nation's farmers, ranchers, and research institutions from acts of violence that destroy private property and could possibly endanger lives.

Vandalism and destruction of property on farms, ranches, and research facilities are becoming more frequent across the country. The Farm Animal and Research Facilities Protection Act is a step in the right direction to deter such actions.

LFBF commends you for your intention to introduce this legislation.

Sincerely,

Ronald Anderson
President

RA:mtl

President
RONALD ANDERSON
P.O. Box 79
Ethel, La. 70730

1st Vice-President
PAUL RANSOM
Route 4, Box 138
Monroe, La. 71205

2nd Vice-President
MARTIN CANCIENNE
P.O. Box 36
Belle Rose, La. 70341

3rd Vice-President
GLENN LaHAYE
Rt. 2, Box 189A
Mamou, La. 70554

Secretary-Treasurer
SHELBY ROBERT
40143 Loosemore Rd.
Gonzales, La 70737

WAKE FOREST

**The Bowman Gray
School of Medicine**

Russell E. Armistead
Associate Dean for
Administrative Services
(919) 748-4008

October 3, 1989

The Honorable Charles Stenholm
U.S. House of Representatives
2463 Rayburn House Office Building
Washington, D. C. 20515

Dear Rep. Stenholm:

I want to personally thank you for introducing the new House bill, HR 3270, the "Farm Animal and Research Facilities Protection Act of 1989." This bill would put real teeth into protecting animal research facilities from animal rights activists.

So far, incidents at Wake Forest University have been mild but the bill would help safeguard our animal facilities.

Thank you again for your support in this important matter.

Yours very truly,

Russell E. Armistead J.A.
Russell E. Armistead
Associate Dean for Administrative Services

REA:tp

cc: Dr. James Turner

300 South Hawthorne Road, Winston-Salem, North Carolina 27103
TELEX 806449 BGSM WSL TELEFAX (919) 748-4204



VIRGINIA FARM BUREAU FEDERATION

200 West Grace Street • P.O. Box 27552 • Richmond, Virginia 23261 • (804) 788-1234

August 29, 1989

The Honorable Charles W. Stenholm
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Stenholm:

The Virginia Farm Bureau Federation would like to commend you for your plans to introduce the Farm Animal and Research Facilities Protection Act of 1989. It is unfortunate legislation of this nature is necessary; however, due to actual destruction of property on farms, ranches and research facilities, some type of protection is greatly needed. These violent actions violate private property rights, endanger lives, threaten our food supply and threaten the development of scientific information.

At this year's American Farm Bureau Convention, our members voted to support the following policy:

"Farm/ranch break-ins and also raids on research facilities and businesses should be covered by both state and federal law."

We appreciate all efforts of protection from these uncalled for violent actions.

Thank you for your support and your intention to introduce this legislation. Please do not hesitate to contact me if we can be of any assistance in getting this act approved by Congress.

Sincerely,

C. Wayne Ashworth
C. Wayne Ashworth
President

CWA/dce

CORNELL UNIVERSITY
300 DAY HALL
ITHACA, N.Y. 14853-2801

Senior Provost
(607) 255-2364

January 16, 1990

The Honorable Charles W. Stenholm
United States House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

Thank you for introducing H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989." The university supports this legislation, and is encouraged by the strong support it has received from your colleagues in Congress.

Cornell University is interested in this legislation because we have a large biomedical research component and an agricultural component. Research funding from the Public Health Service (PHS) in 1988 exceeded \$63 million and much of the research supported by these funds depended on animals. Also during that year, Cornell ranked fifth in the U.S. for life science funding with a total extramural grant support of \$109 million, of which \$38.7 million was for agricultural research. Although much of this research depends on animals, a great deal of it is directed toward improving animal health. At Cornell University, animal rights activists have threatened the life of one faculty member using animals in PHS-funded research, and harassed another. We have had facilities damaged, property defaced, and research data stolen. It is critical that these obstructive acts by a few individuals be brought under control for the benefit of future human and animal health and to protect our government's investment in research.

In recent years, three of this country's most prominent advocates of human health have made statements supporting the continued use of animals in biomedical research. On September 26, 1989, in a statement at Yale University, Dr. Herbert Kleber, deputy director for Demand Reduction in the Office of National Drug Control Policy, said: "The crisis and human tragedy of our lack of knowledge in treating new kinds of drug addiction is lost on the 'stop research/animal rights movement.' Their priorities are warped and dangerous to progress in the war against drugs." In 1988, Dr. James Wyngaarden, former director of the National Institutes of Health, stated: "Virtually every major medical discovery in the past century has been derived from studies involving laboratory animals." And, in a May 31, 1989 letter to Dr. David Hubel (Nobel laureate in Medicine), Dr. C. Everett Koop, Surgeon General of the U.S., wrote, "I have been speaking out on the importance of using animals in biomedical research.... During my final days as Surgeon General, I will recommend to the Assistant Secretary for Health, Dr. James O. Mason, that the Public Health Service strive harder to communicate to the public why animal research is imperative for improving the health of the American people."

The Honorable Charles W. Stenholm
Page 2
January 16, 1990

We at Cornell University echo these statements. We also take seriously our commitment to the public to use animals in research sparingly and with full attention to animal needs and well-being.

In addition, I would also like to advise you that the university is opposed to H.R. 3223, the "Animal Welfare Improvement Act of 1989," introduced by Rep. Charles Rose. This legislation seeks to amend the Animal Welfare Act by making it "unlawful for any person to intentionally cause the loss of any animal from a research facility, except temporarily, for the purpose of documenting that violations of federal regulations relating to the handling, care, treatment or transportation of animals by such faculty have occurred." We believe that the proviso within this bill, which allows unauthorized individuals to temporarily remove animals and exempts them from fines (should they prove a violation of federal regulation exists), actually encourages unauthorized entry and theft in the name of animal rights. The 1985 amendments to the Animal Welfare Act, implemented October 30, 1989, already provide for public access and input. We strongly oppose H.R. 3223 and encourage you to vote against it.

Cornell University, with its Medical College and the colleges of Veterinary Medicine, Agriculture and Life Science, Human Ecology, and Arts and Sciences, is fully accredited by the American Association for Accreditation of Laboratory Animal Care. We are one of the largest academic institutions to achieve this distinction, which, we feel, ensures the public of our commitment to proper animal care. The university is dedicated to ensuring that animal research is conducted with the utmost care and concern for the animal, as well as making certain that the health care needs of our great nation are met through this most important research.

Once again, thank you for introducing H.R. 3349, the "Health Facilities Protection and Primate Center Rehabilitation Act." I look forward to working with you on issues of mutual concern in the future.

Sincerely,



Robert Barker
Senior Provost



National Milk Producers Federation
1840 Wilson Blvd., Arlington, VA 22201
703-243-6111 FAX 703-841-9328

James C. Barr, CAE
Chief Executive Officer

August 2, 1989

The Honorable Charles W. Stenholm
U.S. House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

The dairy farmer members of the National Milk Producers Federation wish to express their solid support of your work to introduce a farm and ranch break-in protection bill to the 101st Congress. Your efforts on this legislation are needed and greatly appreciated.

By making it a federal crime to break-in to farm facilities and remove animals or disrupt farming operations, farmers will gain a necessary legal defense, and allow federal law enforcement agencies to deal effectively with such criminal activity. Farmers need not be unnecessarily exposed to the risk or hardship that vandalism could cause their families without the legal recourse your proposed legislation would carry.

I approve of your intentions on this issue and endorse the measure you and your colleagues aim to introduce. The Federation stands with you in seeking better laws for the American farmer.

Sincerely,

James C. Barr
James C. Barr, CAE
Chief Executive Officer

JCB:dvl

national grange

1616 H STREET, N.W.

WASHINGTON, D.C. 20006

(202) 628-3507

Robert E. Barrow, Master



August 1, 1989

The Honorable Charles W. Stenholm, Chairman
 House Agriculture Subcommittee on
 Livestock, Dairy, and Poultry
 1226 Longworth House Office Building
 Washington, D.C. 20515

Dear Mr. Chairman:

A disturbing upswing in animal rights violence against agricultural facilities is developing. This year, several life threatening incidences in California provide graphic evidence of this trend.

On January 29th, the Dixon (California) Livestock Auction was a victim of arson, causing \$250,000 in damage to the holding pens and out buildings. The owners of the facility, which has never been the site of protests, pickets, or even letters, were shocked. Earth First!, a radical environmental group which deplores public land grazing, called a local newspaper to claim credit for the fire. On the same evening, Earth First! and the Animal Liberation Front claimed credit for vandalizing the Sacramento offices of the California Cattlemen's Association, the California Woolgrowers Association, and the California Council on Agriculture. "Agribusiness Kills" and "Livestock Destroys" were spray painted on the outside of the building, locks were jammed, windows were acid-etched, and paint was thrown on the walls.

The Animal Liberation Front took credit for an attempted fire bombing of a Monterey, California meat processing plant on April 27th in which employees were present when an incendiary device exploded. The target of the attack was the Luce-Carmel Meat Co., which is a 24-hour operation. The fire was reported by a worker at 4:04 a.m. After it was extinguished, investigators arrived from Monterey and the state's Arson Bomb Unit reporting that "multiple incendiary devices" were discovered beneath the building. A fire investigator said it was apparent that the intent was to burn down the entire building.

The list of such violence is getting longer and longer and is ranging from Delaware and Maryland to the West Coast. It is no longer an issue that can be addressed on a state-by-state basis. Federal legislation is required if we are to deal with these criminal terrorist activities that interfere with interstate commerce.

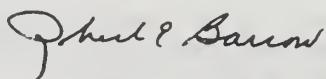
On behalf of the National Grange, I wish to commend you on your intention to introduce the Farm and Research Animal Facility Protection Act of 1989. This legislation will protect United States' farms and ranches as well as agricultural and biomedical research facilities from this increase

The Honorable Charles W. Stenholm, Chairman
August 1, 1989
Page 2

in animal rights violence. Your bill, which will make it a federal crime to break into, vandalize, remove animals from, trespass on, or demonstrate with the intent to disrupt farming, ranching, or agricultural and biomedical research through such activity is urgently needed. It will give clear and necessary direction to the federal law enforcement agencies, so they may more effectively and efficiently deal with such activity.

The National Grange applauds your foresight and the foresight of your distinguished co-sponsors, and will work with you and your staff to ensure the passage of this important legislation during the 101st Congress. Thank you for your firm leadership on this issue and may you be joined in your efforts by many more of your colleagues in the House of Representatives.

Sincerely,



Robert E. Barrow
National Master

REB/rfh



TEMPLE UNIVERSITY
A Commonwealth University

School of Medicine

3400 North Broad Street
Philadelphia, Pennsylvania 19140-5199

Office of the Dean

June 1, 1990

The Honorable Charlie Stenholm
United States House of Representatives
Washington, DC 20515

Dear Congressman Stenholm:

On behalf of Temple University School of Medicine I would like comment briefly on HR 3270, the "Farm Animal and Research Facilities Protection Act." Temple University School of Medicine is dedicated to service, patient care and research. In an academic institution one cannot function without the other. Although research can take many forms, a still-important major need is research performed on live animals. In studying physiologic systems, no test tube chemical reaction or computer model is able to simulate the complexity of the living organism. Although we are learning more about living organisms every day, there is an immense amount that we do not yet know. As one system is studied, the other systems may act in unknown or unpredictable ways, hence, the importance of live animal research methodology. Use of live animals is expensive, complex, and time-consuming, but vital to much work that needs to be done in order to better understand the healthy and diseased organism and to improve diagnosis and treatment for the human population at large.

In our opinion, HR 3270, introduced by the Honorable Charles W. Stenholm of Texas, is right on the mark. We believe in the concepts of using of animals in research only when necessary and of the treating all such animals humanely. This vital work must be protected from individuals who have taken upon themselves the use of terroristic activities to put an end of the use of animals in research. Not only is such activity wasteful of the limited public funds which have been made available for such research, but it also jeopardizes the advancement of biomedical science so necessary for the continued wellbeing of our population. While we applaud the advocates of appropriate and respectful use of animals in a manner consistent with established guidelines of animal care, we decry the tactics of those who zealously proclaim the immorality of the use of animals in research.

We respectfully but strongly urge your support of HR 3270.

Sincerely,

Joseph H. Baum, Ph.D.
Acting Dean

RJK/hs

MILWAUKEE MILK PRODUCERS

2965 NORTH BROOKFIELD ROAD - BROOKFIELD, WISCONSIN 53005 - PHONE 414-786-3120

August 16, 1989

The Honorable Charles W. Stenholm
U.S. House of Representatives
1226 Longworth Bldg.
Washington D.C. 20515

Dear Mr. Stenholm:

The Lakeshore delegation would really like to thank your office for allowing us the time to share our Lakeshore Supply Management Plan with you. We appreciated your comments in regards to the next farm bill.

We would also like to provide you with our updated and revised proposal for your consideration and would welcome any further comment or opportunity to meet with your staff, either here in Wisconsin or back in Washington.

Again, thanks for meeting with our group and we look forward to seeing you again as we strive to build that consensus that is needed in dairy.

Respectfully yours,

MILWAUKEE COOPERATIVE MILK
PRODUCERS

James Bird
General Manager

JB/md

Enclosure



Idaho Farm Bureau Federation

P.O. Box 167 • 500 West Washington
Boise, Idaho 83701 • (208) 342-2688

Thomas Geary - President
William Jungert - Vice President
Bill Brown - Executive Vice President

September 8, 1989

Cong. Charles W. Stenholm
Longworth House Office Bldg., Rm. 1226
Washington, D.C. 20515

Dear Congressman Stenholm,

Idaho Farm Bureau is very concerned about the problem of farm/ranch break-ins, illegal release and raids involving animals on these properties as well as research and business facilities.

We are very supportive of your sponsorship of the Farm Animal and Research Facilities Protection Act (PD100) of 1989. This legislation, which makes it a federal crime to break into farms, ranches and research facilities is badly needed to provide protection for our nations farmers and research institutions.

This vandalism and destruction of property on farms, ranches and research facilities tied to the involvement of state boundaries has made this a badly needed federal law. These acts of violence not only violate private property rights and endangers human life, but threatens our food supply and development of scientific data.

Idaho's legislature will probably be considering some similar state animal protection legislation in the 1990 session.

We commend you for your efforts on this issue and will be ready to lend our support for HR100, or similar measures to gain approval by Congress this session.

Sincerely,

Dave Bivens
Director Public Affairs

DB:sw

Roscoe &
Suey & A



American Quarter Horse Association

January 8, 1990

The Honorable Charles W. Stenholm
U. S. House of Representatives
1226 Longworth House Office Building
Washington, D. C. 20515-4317

Dear Congressman Stenholm:

On behalf of the American Quarter Horse Association, I thank you for your concern for farmers and ranchers as illustrated by your introduction of the Farm Animal and Research Facilities Protection Act (H.R. 3270). We request, however, that it be amended to ensure protection of horses, one of our most important agricultural commodities, in all their uses.

Horses are a very important segment of the agricultural community in Texas and the U.S. The horse industry in Texas is a \$1 billion industry, supporting approximately 47,552 jobs. The AQHA has over 251,022 members, 35,750 in Texas. Nationally, horse owners spend over \$12.7 billion a year caring for their horses. Our horse-related spectator economy, including horse showing, racing, rodeo and pleasure riding adds another \$2.5 billion to our national economy.

The AQHA is very concerned that our industry will become the focus of abuse by animal rights activists, as have other industries. This has already occurred with rodeos. We believe that it is just a matter of time until individuals and groups target the horse industry in the U.S., particularly if they are the only group unprotected.

For these reasons we ask that the bill be amended to include horses in all their uses and horse facilities within its protection. Thank you for your concern.

Sincerely yours,

 Ronald Blackwell
 Executive Vice President

RB:mb

806-376-4811

AMARILLO, TEXAS 79168

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

February 27, 1990

Dear Mr. Murr:

The Office of Science and Technology Policy, Executive Office of the President, objects to the positions that the Department of Justice (DOJ) proposes to take on S. 727, the Senate-passed "Animal Research Facilities Protection Act of 1989," H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989," and H.R. 3349, the "Health Facilities Protection and Primate Center Rehabilitation Act of 1989." We believe the Administration should support enactment of these Bills, or some synthesis of them.

Basic research on animals is a fundamental component of activities supported by many Federal agencies. Animal research is critical to research which benefits the health of human beings and of animals alike, and in ensuring the safety, efficacy, and quality of pharmaceutical and biological agents used in the practice of human and veterinary medicine. The vitality of our pharmaceutical, biotechnology, and agricultural industries depends upon continued high-quality animal research conducted in conformity with regulations and guidelines covering that research. This research is of immense value to the welfare of the citizens of this country and the Federal government must ensure that the environment in which such research is conducted, and the persons pursuing such research, are free from threats of violence, intimidation, and debilitating distractions.

Public opinion polls have repeatedly shown that the American people support the humane use of animals in biomedical research. Nevertheless, a small component of the population opposes the use of animals in research or product testing, and appear to be willing to go to almost any lengths to interrupt research activities, intimidate and threaten researchers, conduct unlawful break-ins, commit vandalism, and destroy research property, and needlessly increase the cost of doing research so as to drive more and more researchers out of laboratory work. While some interested parties are no doubt concerned primarily with assuring humane treatment of animals in research, the major organizations identified with "animal rights" have made it very clear that they hope to bring animal research to its knees, and eventually to abolish altogether the use of animals in research.

We have appended what is at best a partial list of break-ins, robberies, and destructive episodes involving research conducted by, or supported by, the National Institutes of Health (NIH), as a document attesting to the growing violence of these activities perpetrated by animal rights groups.

Their advocacy of alternative methods is a smokescreen. NIH and other agencies have for years vigorously pursued the development of alternative methods where they can be used, but they are adjuncts to, and not substitutes for, animal research. The complexities of

integrated biological systems can only be studied in animals. Very few can be studied in the human being without prior studies in animal tissues and whole animals.

The passage of national legislation would constitute a powerful statement that this country will not tolerate illegal and violent acts by opponents of animal research. It would strengthen the resolve of scientists to go forward with their essential work. It would encourage young people to enter research careers, who may now be deterred by the daunting prospect of endless psychological warfare with animal activists, and the ever-present prospect of the destruction of their life's work by a night of violence.

The Federal law would also greatly strengthen the hand of the Federal Bureau of Investigation in entering cases that now are chiefly dealt with at the local level, with varying degrees of effectiveness. The animal rights movement is a national movement, with considerable circumstantial evidence of conspiratorial behavior. The so-called "Animal Liberation Front" claims to have national membership. Furthermore, within hours of break-ins, thefts, and destruction of laboratories or equipment, an organization known as the "People for the Ethical Treatment of Animals" has videotapes, and issues a press release. The bills under consideration here would strengthen law enforcement in dealing with this growing, well-organized, well-financed, unscrupulous, movement.

For all these reasons, the OSTP urges that the Administration support enactment of S. 727, H.R. 3270, and H.R. 3349.

OSTP supports DOJ in its opposition to H.R. 3223, the "Animal Welfare Improvement Acts of 1989", which would condone illegal actions by citizens who may contend that such acts are for the purpose of documenting violations of Federal regulation. We should all oppose this "the end justifies illegal means" bill.

Sincerely,

D Allan Bromley
D. Allan Bromley
Director

James B. Wyngaarden
James B. Wyngaarden
Associate Director for Life Sciences

Mr. James C. Murr
Assistant Director for
Legislative Reference
Office of Management and Budget
Room 7202 NEOB
Washington, D.C. 20503

Enclosure



May 23, 1990

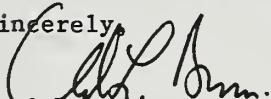
Rep. Charlie Stenholm
U.S. House of Representatives
Washington, D.C. 20515-4317

Dear Representative Stenholm:

On June 14, 1990 the House Subcommittee on Department Operations, Research and Foreign Agriculture will mark-up H.R. 3270, the "Farm Animals and Research Facilities Protection Act." I urge you to approve this bill.

I write you on behalf of the faculty of the University of Wisconsin Medical School who understand clearly the importance of this bill in protecting our mission of medical education and biomedical research. The wanton attacks on research facilities undertaken by radical animal activists poses a threat to all research of the kind that is central to our continuing studies into the causes and treatment of cancer, heart disease, neurological disease, AIDS, and a host of other crippling and fatal diseases.

I appreciate your consideration of this request.

Sincerely,


Arnold L. Brown, M.D.
Dean

1620j

Medical School Administration

1300 University Avenue Madison, WI 53706 608/263-4900
Dean's Office 608/263-4910
Admissions 608/263-4925

FAX 608/262-2327

Registrar 608/263-4912
Student Services 608/263-4920

MAY 14 1990 10:15 FROM NCSTATE ANIMAL SCIENCE

TO

000000000004 F.02



North Carolina State University

College of Agriculture and Life Sciences

Department of Animal Science
 Box 7621
 Raleigh, N.C. 27695-7621
 (919) 737-2755

Leonard S. Bull
 Department Head

May 14, 1990

Representative Charlie Rose (D., N.C.)
 U. S. House of Representatives
 Washington, D.C. 20515-3307

Dear Representative Rose:

I am writing to urge that you do whatever you can to support H.R. 3270 when it reaches your DORFA Committee. As Head of Animal Science at North Carolina State University and a candidate for President of the American Society of Animal Science, I am a very strong supporter of the Stenholm bill and the limited list of technical amendments. I urge you to vote for this bill.

We need to support law and order wherever we can, and this is a specific case for this action. Many research faculty are weary and concerned about the harassment which they receive as they try as best they can to develop new knowledge to help mankind. The cost of these acts of violence and criminal acts is staggering in dollars as well as in human lives if progress is slowed down.

Please support this important bill.

Sincerely,

A handwritten signature in black ink that reads "Leonard S. Bull".

Leonard S. Bull
 Professor and Head

Yale University

Department of Psychiatry
School of Medicine
Grace Education Building
25 Park Street
New Haven, Connecticut 06519

October 23, 1989

Hon. Charles W. Stenholm
US House of Representatives
ATTN: Health Advisor
Longworth House Office Building
Room 1226
Washington, DC 20515

Dear Mr. Stenholm:

As a member of the scientific community that has used animals in biomedical research for the last 20 years and knows that there can be no substitutes if we are to continue to make progress in combatting the physical and mental ills that afflict mankind, I want to personally thank you for introducing HR 3270. Every living American should be grateful to you for taking a leadership role to insure that progress will continue to be made in improving the overall health of this Nation's people--a guaranteed impossibility if animal research is curtailed or stopped all together. If I can personally be of any help in your fight for the passage of this bill, please do not hesitate to let me know.

Sincerely,

Benjamin S. Bunney
Benjamin S. Bunney, MD
Charles B.G. Murphy Professor and
Chairman, Department of Psychiatry
Professor of Pharmacology

BSB/mac

UNIVERSITY OF CALIFORNIA, IRVINE

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

WILLIAM E. BUNNEY, JR., M.D.
 DISTINGUISHED PROFESSOR
 AND CHAIRMAN
 DEPARTMENT OF PSYCHIATRY AND
 HUMAN BEHAVIOR
 UNIVERSITY OF CALIFORNIA, IRVINE
 UCI COLLEGE OF MEDICINE

Honorable Charles W. Stenholm
 US House of Representatives
 ATTN: Health Advisor
 Longworth House Office Building
 Room 1226
 Washington, D.C. 20515

November 1, 1989

RE: Bill HR 3270, The Farm Animal and Research Facilities Protection Act of 1989".

Dear Mr. Stenholm:

I am writing in support of HR 3270, the Farm Animal and Research Facilities Protection Act of 1989". As a member of the ACNP, I feel that animal research has made great contributions to the diagnosis and treatment of disease in man. Specifically, recent advances in gene technology would have been extremely difficult if not for the use of animal models of disease.

The introduction of HR 3270 is a timely and important one for those people involved in scientific study. I would like to thank you very much for your continued support in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Bunney, Jr."

William E. Bunney, Jr., M.D.
 Distinguished Professor
 and Chair

Duke University Medical Center

DURHAM, NORTH CAROLINA 27710

DEPARTMENT OF PSYCHIATRY
OFFICE OF THE CHAIRMAN

October 31, 1989

TELEPHONE (919) 684-5616
BOX 3950

Honorable Charles W. Stenholm
U.S. House of Representatives
Attn: Health Advisor
Longworth House Office Building
Room 1226
Washington, DC 20515

Dear Representative Stenholm:

I write to thank you for your initiative introducing HR 3270, the "Farm Animal and Research Facilities Protection Act of 1989".

As Chairman of a large Department of Psychiatry that is heavily committed to research in behavioral neuroscience, I can assure you that the bill is a welcomed step towards stabilizing the environment for responsible academic research that will benefit millions of Americans who suffer from psychiatric and neurological diseases. The misguided attacks on researchers in our field and on their facilities in recent years have significantly affected our rate of progress by the tension they have created within the research community and by the additional costs that these attacks have made necessary.

As past President of the Psychiatric Research Society, the Society for Biological Psychiatry, and the American Psychopathological Association, as well as Council member of the American College of Neuropsychopharmacology, I can guarantee to you that the members of these prestigious organizations take very seriously the ethical responsibilities attendant on research upon animals. Your bill has our full support and we look forward to its passage so that we can return to our task with renewed confidence in society's mandate to us.

Sincerely,

Bernard J. Carroll, M.D., Ph.D.
Professor and Chairman

BJC/tsg
cc: Oakley Ray, Ph.D.

North Carolina



Walter Cherry
Executive Director

Jackie Whiteley
Administrative Assistant

Taryn Butler
Director of Consumer Affairs

Jane Atkinson
Publications/Special Projects

Pork Producers Association, Inc.

156 MINE LAKE COURT / RALEIGH, NC 27615 / TELEPHONE (919) 846-9758

August 18, 1989

The Honorable Charles W. Stenholm
United States House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

The North Carolina Pork Producers Association applauds your efforts and strongly supports the introduction of the "Research and Farm Animal Facilities Protection Act of 1989". As we understand it, this legislation is designed to prevent, deter and penalize crimes and illegal acts of terrorism against U.S. farmers, ranchers, food processors, and agricultural and biomedical researchers and in addition the Act would give the Secretary of Agriculture the authority to conduct investigations and provides for a civil right of action by the owners of the farm or animal facility against the violator.

North Carolina's some seven thousand pork producers pledge their strong support for this legislation and if there is anything that we can do to assist with its passage, please let us know.

Sincerely,

H.D. Cornelius

H. D. Cornelius
President

Walter W. Cherry

Walter W. Cherry
Executive Director

cc:N.C. Congressional Delegation
Rick Pasco, NPPC



May 5, 1990

The Honorable Charles W. Stinholm
 1226 Longworth Building
 Washington, D.C. 20515

RE: House Resolution 3270, "Farm Animal and Research Facilities Protection Act of 1989"

Dear Congressman:

On behalf of the International Association of Fairs and Expositions, I wish to commend you in the strongest possible terms for your introduction of the Farm Animal and Research Facilities Protection Act of 1989. I understand that the Bill would protect agricultural fair and exposition facilities, animal owners exhibiting at such facilities and attendees. Local, county and state fairs continue their tradition of contributing to the advancements of all segments of agriculture. Fairs play an important role in assuring a stable supply of food and fiber for this nation and the future by working hand in hand with the youth agricultural programs of this country including 4-H and FFA. We concur with the findings that prompted the introduction of this Resolution.

The fair industry is already beginning to feel the adverse effects of the small militant groups of citizens opposed to the agricultural use of animals. At one of the 1990 season's first fairs, in Martin County, Florida, Animal Rights Activists disrupted and attempted to cause cancellation of the greased pig contest. That contest offers 4-H and FFA members an opportunity to catch a gilt to take home and use for breeding purpose to start their own swine herd. The activists attempted to prosecute the fair manager and sought opinions from the Animal Rights authorities in Martin County, two independent veterinarians, the Martin County Sheriff's Office and the Florida Attorney General's Office, all of whom found nothing inappropriate in the contest. Nevertheless, the activists protested at fair board meetings and attempted to extort the fair board into dropping the contest in the future.

Our fairs experience a unique problem from the activities of these groups. The safety of large numbers of fair-goers will be endangered by the vandalism, arson and liberation of animals. Untold personal injury and loss of life

Honorable Charles W. Stinholm

Page 2

could occur on a crowded midway by animals set free to roam at large. I believe the civil remedies set forth in your legislation are also important because they would give the fair standing to seek civil remedies on behalf of 4-H and FFA youth who could not afford to litigate for the damage that may be done to their individual exhibits.

For your information, just recently we had animal activists involved in nearby Yellowstone Park objecting to hunters harvesting buffalo; so we know they are in our area. In my support for the Bill, I want you to know that my fellow members and I will work with you and your staff in any way necessary to provide information to you and insure passage of this much needed legislation.

Sincerely,



Bill Chiesa, CFE
General Manager
MetraPark

BC/nc

cc: Ron Marlenee
Pat Williams



May 5, 1990

The Honorable Charles Stinholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Stinholm:

I am writing to you relative to the incident in Martin County, Florida, described in a letter that you have received from Tony McMillan. As Manager of MontanaFair, held in August of each year, we have a large number of agricultural animal exhibits and over 200,000 people attend our fair. Our fair has played an important role in the advancement of agriculture and livestock in Billings, Montana for over 50 years.

On behalf of our board of directors, we want to commend you for your initiative in introducing this necessary legislation. If we can be of any further assistance to you, please contact our staff as we would like to provide support in expediting the passage of this bill.

Sincerely,

Bill Chiesa

Bill Chiesa, CFE
General Manager
MetraPark/MontanaFair

BC/nc

cc: Congressman Ron Marlenee
Congressman Pat Williams


MINNESOTA FARM BUREAU FEDERATION

1976 Wooddale Dr., P.O.Box 64370, St. Paul, Minnesota 55164 (612) 739-7200

August 28, 1989

Congressman Charles W. Stenholm
 1226 Longworth House Office Building
 Washington D.C., 20515

Dear Congressman Stenholm,

We are pleased to be informed that you will be introducing a bill called the FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT OF 1989. We understand that this legislation, a companion to S. 1330, would make it a federal crime to break into a farm or agricultural research facility for the purposes of removing animals, vandalism or disrupting the activities of the facility.

The Minnesota Farm Bureau Federation a general farm organization of 33,000 member families, stands in full support of this legislation. We will be happy to urge our eight (8) members of the U.S. House of Representatives to vote for your bill once it is in committee and on the floor.

For your information, the Minnesota Farm Bureau Federation urged passage of a bill in 1988, and improvements in the law, in 1989, which imposes a penalty of a misdemeanor (second or subsequent offense would be a gross misdemeanor) for anyone that releases animals of confinement on farms, in research facilities, in zoos, or in educational facilities. Further, the Minnesota law says the person releasing the animals is responsible for any damage done to personal and real property by the released animals. Further, if the release causes the failure of an experiment (in a research laboratory) the person releasing the animal is liable for all costs of repeating the experiment, including replacement of the animals, labor, and materials.

We have not had any experience of anyone breaking into a farm or a research laboratory to release animals, but the Farm Bureau, in Minnesota, pressed for passage of this bill because we wanted the law to act as a deterrent to any possible action of this type. We have had instances of people breaking into zoos and hopefully this new law will assist in deterring this type of action as well.

Again, we stand in support of your efforts on the national level for this type of legislation. Please let us know when it is introduced and we will encourage support from our congressmen of your efforts.

Sincerely,

Al Christopherson
 President

AC:jc



STATE FAIR OF TEXAS® P.O. Box 26010 • Dallas, Texas 75226 • (214) 565-9931

October 5, 1989

Honorable Charles W. Stenholm
Congress of the United States
1226 Longworth Building
Washington, D. C. 20515

Dear Congressman Stenholm:

We have been informed that a bill will be introduced making it a violation of a federal law for animal activist individuals or groups to invade private production or research facilities to free or remove animals/fowls from these establishments.

Since fairs and expositions are the show window for purebred and market livestock/poultry throughout the United States, we ask that fairs and expositions also be included in this bill. If animals are released from tie stalls or pens, expensive animals can be injured as well as people being harmed.

We encourage this legislation to include protection for fairs and livestock shows.

Please let us know if we can be of service.

Sincerely,

A handwritten signature in cursive script that reads "Don Clark".
Don Clark, CFE, Director
Livestock Department

cc: Dan Waggoner

THE UNIVERSITY OF GEORGIA
COLLEGE OF VETERINARY MEDICINE
ATHENS, GEORGIA 30602



Animal Resources
(404) 542-4173

January 25, 1990

The Honorable Charles Stenholm
1226 Longworth House Office Building
Washington, DC 20515-4317

Dear Congressman Stenholm:

I wish to express my appreciation to you for your sponsorship and promotion of the "Farm Animal and Research Facilities Protection Act of 1989".

As you know, virtually all medical and veterinary medical advances in the last century have required animal research. Future animal research will be essential in the search for treatment and prevention of the numerous medical conditions still facing humans and animals.

Animal activists opposing use of animals have become more vocal and militant. Your legislation, if enacted, would bring federal investigative and enforcement capabilities to bear against acts of research sabotage that threaten our nation's health.

On behalf of human and veterinary medical research interests and in the interest of our society's health, I commend you for your bold position on this matter.

Sincerely,

J. Derrell Clark
D.V.M., M.S., D.Sc.
Director

JDC/js

AMERICAN ASSOCIATION OF SWINE PRACTITIONERS

5821 FLEUR DRIVE • DES MOINES, IOWA 50321 • PHONE 515-285-7808

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515-294-8790

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PAST PRESIDENT
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515-285-7808

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Lincoln, Nebraska 68583
402-472-1736

Dist. 9 Dr. Tim J. Louis
Box 167
Nicollet, Minnesota 55074
507-225-3401

Dist. 10 Dr. Palmer B. Anderson
RE: 425 Howard
Pullman, Washington 99163
509-332-2451

Dist. 11 Dr. James Sawatzky
Box 2438
Humboldt, Saskatchewan,
Canada S0K 2A0
306-682-2583

EX-OFFICIO

DELEGATE TO THE AVMA
Dr. Steven Henry
814 North Olive
Abilene, Kansas 67410
913-253-2301

September 12, 1989

The Honorable Charles Stenholm, Chair
Subcommittee on Livestock, Dairy and Poultry
Committee on Agriculture
U. S. House of Representatives
Washington, DC 20515

Dear Mr. Stenholm:

On behalf of the 1500 members of the American Association of Swine Practitioners, a species specialty organization within the American Veterinary Medical Association, we commend and fully support your efforts to protect animal agriculture from the ravages of extremist animal rightist groups. The intent of the Research and Farm Animal Facilities Protection Act reflects government support for the swine industry, which we as veterinarians closely associated with that industry, consider as a timely, necessary, and appropriate response to activities inconsistent with the best interest of our nation's people.

Swine practitioners are strong proponents of animal welfare, and our production medicine skills are based on the fact that good animal husbandry predicts good health and welfare of the animal and efficient production of animal protein for consumers. We also recognize that well-controlled quality research completed within animal welfare guidelines is and always has been the underlying strength of American Agriculture. Illegal acts promulgated against the swine and related animal industries in the guise of animal rights is abhorrent to us and can't, to a reasonable person, be justified as beneficial to animals. Thus, you can count on our support for this legislation and our appreciation of your efforts for the good of animal agriculture.

Sincerely,

L. Kirk Clark

L. Kirk Clark, DVM, PhD
President, AASP

LKC:gmy

ROBERT E EATON
PRESIDENT
ROBERT E BOSSARDT
WILLIAM COREY
VICE PRESIDENTS
BEVERLY G DAVIDSON
SECRETARY - TREASURER
EDWARD G CONGDON
MANAGER

VERMONT STATE FAIR

175 South Main Street, Rutland Fairgrounds, Rutland, Vermont 05701
Phone 802/775-5200

Under The Auspices of RUTLAND COUNTY AGRICULTURAL SOCIETY, Inc.

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FRANK J HAAS
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RONALD MCKIRRYHER
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MERRITT L THOMAS
LARRY S WILLIAMS

MAY 21, 1990

THE HONORABLE CHARLES STINHOLM
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

RE: HOUSE RESOLUTION 3270

DEAR CONGRESSMAN STINHOLM:

I AM THE GENERAL MANAGER OF THE VERMONT STATE FAIR. OUR FAIR IS HELD IN SEPTEMBER OF EACH YEAR. WE HAVE SIX (6) AGRICULTURAL ANIMAL EXHIBITS AND ONE HUNDRED THOUSAND PLUS ATTENDEES. OUR FAIR HAS PLAYED AN IMPORTANT ROLE IN THE ADVANCEMENTS OF AGRICULTURE IN THE RUTLAND AND SURROUNDING COMMUNITIES FOR 145 YEARS.

I AM FAMILIAR WITH THE INCIDENT IN MARTIN COUNTY, FLORIDA, DESCRIBED IN TONY McMILLAN'S LETTER TO YOU AND WE HAVE RECEIVED THREATS IN THE PAST. OUR FAIR, AS ALL OTHERS, EXPERIENCES UNIQUE PROBLEMS FROM THE ACTIVITIES OF MILITANT ANIMAL RIGHTS GROUPS. THE SAFETY OF OUR FAIR-GOERS WILL BE JEOPARDIZED BY VANDALISM, ARSON OR THE LIBERATION OF ANIMALS ON THE FAIRGROUNDS.

ON BEHALF OF THE BOARD OF DIRECTORS OF "THE VERMONT STATE FAIR", WE WANT TO COMMEND YOU FOR YOUR INITIATIVE IN INTRODUCING THIS NECESSARY LEGISLATION. IF WE CAN BE OF ANY ASSISTANCE TO YOU AND YOUR STAFF IN ANY WAY TO EXPEDITE THE PASSAGE OF THIS BILL, PLEASE LET US KNOW.

SINCERELY,

Edward G. Congdon
EDWARD G. CONGDON
GENERAL MANAGER

CC:
CONGRESSMAN JAMES JEFFORDS

**AMERICAN FARM BUREAU FEDERATION**

225 TOUHY AVENUE • PARK RIDGE • ILLINOIS • 60068 • (312) 399-5700 • FAX (312) 399-5896
600 MARYLAND AVENUE S.W. • SUITE 800 • WASHINGTON, D.C. • 20024 • (202) 484-2222 • FAX (202) 484-3604

June 12, 1990

The Honorable Charles Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Stenholm:

The American Farm Bureau Federation (AFBF) appreciates the opportunity to submit comments on H.R. 3270, the Farm Animal Research Facility Protection Act of 1989. This legislation is of critical importance to farm and ranch families all across the United States. As you know, AFBF represents farm families involved in the production of every major commodity group. The interest in H.R. 3270 from AFBF members has been tremendous. AFBF members have been active in securing cosponsors for this bill which according to a recent count is approaching 180.

Farmers and ranchers are dedicated to providing quality care and feed for the animals on their farms and ranches. As such, animal welfare is their primary concern. The increasing tendency of the so-called animal rights groups to violate the rights and safety of others, destroy public and private property, and take the law into their own hands is both bewildering and threatening to farmers and ranchers. In fact, we have been contacted by farm and ranch operators who question the prudence of expanding existing operations due to the threat of terrorist acts.

The long history of violence and intimidation aimed at agriculture as well as medical research is well documented. It is clearly time for Congress to strongly express its decision to make these acts of violence and interruption of farming activities a federal offense. H.R. 3270 will provide a clearer federal presence in coordinating local, state and federal authorities attempting to curb domestic terrorism.

We appreciate the efforts of this committee relative to H.R. 3270. AFBF strongly urges you to move this important legislation forward from subcommittee and make every effort to assure passage by the House of Representatives.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Datt".

John C. Datt
Executive Director
Washington Office

JCD/jb

BAYLOR COLLEGE OF MEDICINE
ONE BAYLOR PLAZA
HOUSTON, TEXAS 77030

OFFICE OF THE CHANCELLOR

October 6, 1989

The Honorable Charles Stenholm
United States House of Representatives
1226 Longworth Building
Washington, D.C. 20515

Dear Congressman Stenholm:

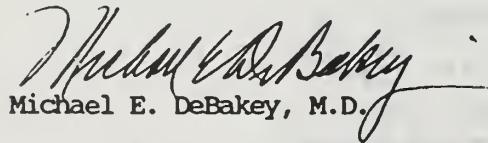
I want to express my personal appreciation to you for your leadership in introducing H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989." Your bill is extremely important to both the agriculture enterprise and the scientific community at a time when extremists in the animals rights movement are increasingly using terrorist tactics to disrupt research activities.

Virtually every advancement in medical history, and especially in my own field of cardiovascular surgery, has been dependent on the use of animals in research. Without animal research, open-heart surgical procedures that save thousands of lives each year would not exist. It is tragic that a few misguided individuals can do such much to disrupt and delay research that can be of major benefit to society.

I am certain that the biomedical and scientific community is solidly in support of H.R. 3270 and I want you to know that I will be glad to do anything that I can to assist its passage. If I can be of help by serving as a witness during committee hearings or by making other contacts in Washington or within the biomedical community, I will be pleased to do so.

Again, thank you for your leadership and do let me know how I can help in your efforts.

Sincerely yours,


Michael E. DeBakey, M.D.

xc: Members of the Texas Congressional Delegation

TEXAS A&M UNIVERSITY
COLLEGE of MEDICINE

Office of
THE DEAN
and
ASSOCIATE PROVOST
FOR MEDICAL AFFAIRS

May 23, 1990

The Honorable Charles W. Stenholm
U.S. House of Representatives
Washington, D.C. 20515-4317

Dear Representative Stenholm:

On behalf of the College of Medicine, Texas A&M University, I extend to you our sincere appreciation for your authorship of HR 3270, the "Farm Animal and Research Facilities Protection Act of 1989." Your sponsorship of this bill is of immense value to us, to all Texans, and to the nation.

Our College of Medicine is committed to service to the citizens of Texas through the training of physicians and the discovery of new knowledge to alleviate human suffering and disability. In both of these endeavors, the humane use of animals is indispensable and absolutely irreplaceable. The violent and unlawful activities of animal rights extremists threatens our important work. Passage of your bill will serve to state clearly and emphatically that illegal activities by animal rights extremists will not be tolerated and that the humane use of animals for the benefit of man is acceptable public policy.

In our institution we are working to further understand, and to develop remedies for, such significant human disease conditions as heart disease, cancer, alcoholism, blindness, and many other diseases. As an example of the necessity of work in these areas, two people die of heart and vascular disease in the United States each minute. Every advance in cardiovascular medicine for the past 100 years has emerged from a firm foundation of humane animal experimentation. Virtually every medical and scientific group in this country is on record as stating that the continued humane use of experimental animals is essential for progress to continue in human disease cure and prevention.

Your leadership in the fight to maintain a sensible public policy on animal use is exemplary. We offer you our deep appreciation, our continued support and our assistance in any way you deem appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "R.A. DeVaul".

Richard A. DeVaul, M.D.
Associate Provost for Medical Affairs
Dean, College of Medicine

RAD:EES/seg

Joe H. Reynolds Medical Building
College Station, Texas 77843-1114 • Telephone 409-845-3431
FAX 409-845-7929

Columbia University in the City of New York | New York, N.Y. 10032

INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE
HEALTH SCIENCES DIVISION

P&S 2-423
630 West 168th Street
New York, NY 10032

October 13, 1989

Honorable Charles Stenholm
House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Dear Representative Stenholm:

I write on behalf of biomedical research scientists at Columbia University Health Sciences Division to thank you for introducing HR 3270, The Farm Animal and Research Facilities Protection Act.

Progress in biomedical research is absolutely dependent upon the use of animals; computer models and tissue culture methods are adjuncts but not replacements for the use of animals in biomedical research. While considerable progress in treating disease has occurred over the past several decades resulting in both longer life and improved quality of life, there are still numerous diseases for which we do not have a cure, or in some cases, even a good palliative treatment. There are many people with chronic disease who are urgently awaiting the beneficial results of research. Animal rights groups are becoming increasingly shrill in their denouncement of biomedical research and increasingly violent in their attacks on the nation's research establishment. As such, they constitute a personal threat to biomedical researchers and a threat to the health of people. This criminal behavior must be halted.

The biomedical research community and its Institutional Animal Care and Use Committee at Columbia University is committed to the best possible humane care and use of animals in research, testing and teaching. In fact, humane care of the subjects of our research is compelled by the necessity to obtain scientifically valid and reproducible results. Animals are not being abused nor being subjected to unrelieved distress. The Animal Rights agenda is not the humane care of animals but rather is the halting of the use of animals in research.

Again I thank you for introducing this legislation and look forward to its speedy passage through Congress.

Sincerely,

Ralph B. Dell, M.D.

Professor of Pediatrics

Chairman, Institutional Animal
Care and Use Committee

RBD:lmc



Office of the Dean

June 22, 1990

The Honorable Charlie Stenholm
U.S. House of Representatives
Washington, D.C. 20515-4317

Dear Congressman Stenholm:

It is my understanding that the House Agriculture Sub-Committee on Department Operations, Research and Foreign Agriculture has delayed mark-up on H.R. 3270, the "Farm Animals and Research Facilities Protection Act" until next week or early July. I would like, through this letter, to voice my strong support for this legislation and urge that you give positive consideration when it comes before the Sub-Committee.

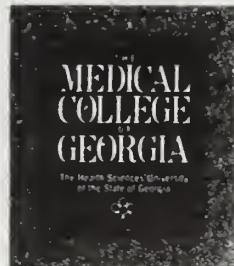
As you know, the State of Maryland has recently initiated and passed legislation classifying the conviction for trespassing and destroying property, buildings, equipment relating to animal-based research as a felon, and punishable accordingly. The University of Maryland encourages public debate and free expression of conflicting ideas, but it finds unacceptable the resort to violent, terrorist-type activities in the name of public policy. Therefore, I believe that legislation such as contemplated in H.R. 3270 is correct for the nation; and that it will further address the issue of flight across state lines. I do believe the resort to acts such as burning buildings, destroying equipment and making personal threats of harm to researchers and their families constitutes a potential federal offense. I therefore urge your support of this bill.

Sincerely,

John M Dennis
John M. Dennis, M.D.
Dean, School of Medicine

JMD:skh

School of Medicine
Office of the Dean



May 21, 1990

The Honorable Charlie Stenholm
U. S. House of Representatives
Washington, DC 20515-4317

Dear Mr. Stenholm:

RE: H.R. 3270, "Farm Animal and Research Facilities Protection Act"

As dean of a medical school within a health sciences university that is committed to the interdependent missions of biomedical research, education, and health care, I strongly urge you to support the above referenced bill. We in the medical research community recognize the vital importance of the use of animals for the purposes of research and education which have contributed immeasurably to the improvement of health care of the people of the United States and elsewhere. I share the view of many in the biomedical research community as well as in the general public that the humane, proper use of animals in research is appropriate public policy and that the violence and anti-intellectual attitude of some of the opponents to the use of animals cannot be tolerated.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory L. Eastwood".

Gregory L. Eastwood, M.D.
Dean, School of Medicine

sm

c: Georgia Legislators



American College of Surgeons

FOUNDED BY SURGEONS OF THE UNITED STATES AND CANADA, 1913

55 EAST ERIE STREET CHICAGO, ILLINOIS 60611 AREA CODE 312 • 664-4050

PAUL A. EBERT, M. D., F. A.C.S.
DIRECTOR

June 11, 1990

The Honorable Charles W. Stenholm
1226 Longworth House Office Building
Washington, DC 20515-4317

Dear Representative Stenholm:

On behalf of the American College of Surgeons, I am writing to request your support for H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989," which is scheduled for consideration this week by the House Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture.

The American College of Surgeons is a voluntary educational and scientific organization of over 50,000 Fellows who are dedicated to the ethical and competent practice of surgery. The College has always urged the proper and humane treatment of animals used for research and educational purposes, and it supports the use of alternative models whenever possible. However, alternatives simply do not exist for the use of animals in certain critical types of biomedical research and education, and individuals or groups who disrupt these important activities are doing this nation a terrible disservice.

By defining certain criminal acts against research facilities as federal offenses, H.R. 3270 would offer some protection against acts of sabotage that are occurring with increasing frequency. Similar legislation, S. 727, was approved by the Senate on November 20, 1989.

Please support H.R. 3270 when it is considered by the Subcommittee, and enable the medical community to continue its efforts to ease human suffering and assure adequate medical training through the proper and humane use of laboratory animals.

Sincerely,

Paul A. Ebert

Paul A. Ebert, MD, FACS

CAB:mft



**PENNSYLVANIA
FARMERS'
ASSOCIATION**

September 7, 1989

The Honorable Charles W. Stenholm
1226 Longworth House Office Building
Washington, DC 20515-4317

Dear Representative Stenholm:

The Pennsylvania Farmers' Association commends you for your intention to introduce the Farm Animal and Research Facilities Protection Act of 1989. The legislation, which makes it a federal crime to break into farms, ranches, and research facilities is much needed to help provide protection for our nation's farmers and research institutions.

The legislation would make it a federal crime to break into a farm or agricultural research facility. The bill specifies vandalism, removing animals and disturbing the activities of the facility as illegal actions.

Members of the Pennsylvania Farmers' Association have been victims of break-ins coordinated by animal rights activists. We believe that if such action is to be prevented, legislation is needed that sends a strong message that such activity will not be tolerated.

The Pennsylvania Farmer's Association is a general farm organization whose membership of 22,600 member family farms produce all commodities grown commercially in our state.

Again, we commend you for your intentions to introduce this legislation and hope we can work with you to get this important piece of legislation approved during the 101st Congress.

Sincerely,

Keith Eckel

Keith Eckel
President

PAW:trh



Georgia Farm Bureau Federation

P. O. BOX 7068 • 1620 BASS ROAD AT I-75
MACON, GEORGIA 31298
912-474-8411

August 29, 1989

Honorable Charles Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Stenholm:

The Georgia Farm Bureau thanks you for your intention to introduce the Farm Animal and Research Facilities Protection Act of 1989. This bill, which makes it a federal crime to break into a farm or agricultural research facility for the purpose of removing animals, vandalism or disrupting the activities of the facility, will allow farmers and researchers to carry on their business without loss or interruption from others.

We are at the unfortunate place in our society where vandalism and devastation on farms and research facilities make this an essential law. If we are to maintain an adequate supply of food for our growing population, not to mention protecting private property rights, we must protect our farms and research facilities.

Again, we applaud your efforts on this issue. Please know that we along with the American Farm Bureau stand ready to assist you in your endeavors.

Sincerely,

A handwritten signature in cursive ink that reads "Mort Ewing".

T. M. "Mort" Ewing
President

cc: Georgia Congressional Delegation

OSU

Oklahoma State University

DEPARTMENT OF VETERINARY RESEARCH
COLLEGE OF VETERINARY MEDICINESTILLWATER, OKLAHOMA 74078-0353
VETERINARY MEDICINE 308
~~405-624-6663~~(405) 744-6663

October 17, 1989

The Honorable Charles W. Stenholm
 U.S. House of Representatives
 Washington, D.C. 20515

Dear Congressman Stenholm:

On behalf of the veterinary researchers at Oklahoma State University, thank you for introducing a comprehensive and sane HR 3270, the Farm Animal and Research Facilities Protection Act of 1989. I am urging the Oklahoma Congressional delegation to co-sponsor and support HR 3270.

I regret that I missed your hearing in Stillwater on brucellosis research. I had a previous commitment out of state. All reports indicate that you and Congressman Watkins have a better handle on the situation and needs of the cattle industry than many of those who presented testimony. We sincerely believe that brucellosis will not be eradicated or remain "eradicated" for long without considerable additional research on the biology of the interaction between *B. abortus* and its cattle hosts and without an improved vaccine that does not have Strain 19's shortcomings.

Again, thank you for your wisdom and understanding of problems involving livestock.

Sincerely,

Lloyd Faulkner, DVM
 Associate Dean, Research

cc: The Honorable Wes Watkins
 The Honorable David Boren
 The Honorable Don Nickles



Association of Professors of Medicine

1101 Connecticut Avenue • Suite 700 • Washington, DC 20036 • (202) 857-1158

January 30, 1990

The Honorable Charles W. Stenholm
1226 Longworth House Office Building
Washington, DC 20515

Dear Representative Stenholm:

On behalf of the Association of Professors of Medicine (APM), I want to commend you for your leadership on H.R. 3270, the "Farm Animals and Research Facilities Protection Act of 1989." The APM would like to join with the other members of the biomedical research community in expressing its strong support for your legislation. The Association serves as the national representative for the 126 chairman of departments of medicine at our nation's medical schools.

Our nation's research facilities -- and the scientists who work in them -- have been targeted for attack by a small, but dangerous segment of our society aimed at destroying our research enterprise. Biomedical research is aimed at the relief from suffering for those with diseases of the body and mind, which can be set back by the actions of animal rights activists. Your legislation takes a large step towards protecting these vital laboratories, and sets realistic penalties for those who seek to cripple our nation research effort.

The Congress must take a firm position that the animal rights movement represents a moral outrage to all those now afflicted with disease and the progress of science to cure these afflictions. Passage of H.R. 3270 will make such a statement.

Please let us know how the APM can help you secure enactment of your bill. Please call Mr. Jim Terwilliger, APM's Director of Government Relations, at (202) 857-1158 if we can be of assistance.

Sincerely yours,

Thomas F. Ferris, M.D.
President

President
Thomas F. Ferris, M.D.
Department of Medicine
University of Minnesota Medical School
516 Delaware St. SE Box 194
Minneapolis, MN 55455
(612) 625-4162

President-Elect
Gerald S. Levey, M.D.
Department of Medicine
University of Pittsburgh School of Medicine

Vice President
Norman G. Levinsky, M.D.
Department of Medicine
Boston University Medical Center

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University of Michigan Medical Center

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University of Alabama at Birmingham

Robert M. Glickman, M.D.
Department of Medicine
Columbia University College
of Physicians and Surgeons

Executive Director
Robert H. Wilbur



LAURENCE FINBERG, M.D.
DEAN OF THE COLLEGE OF MEDICINE

June 7, 1990

Honorable Charlie Stenholm
U.S. House of Representatives
Washington D.C. 20515-4317

Dear Congressman Stenholm:

I am writing to you to urge you to approve H.R. 3270, the "Farm Animal and Research Facilities Protection Act" introduced by Representative Charles Stenholm. This act will make theft, destruction, or unauthorized use of research animals, equipment, data, or facilities a federal offense.

As dean of one of the country's largest medical schools, I feel I must impress upon you the importance of protecting the pursuit of scientific research. The important contributions biomedical research utilizing animals has made to the fight against illness and disease are numerous and an irreplaceable part of contemporary medical science. Alternatives to using animals are in place for some purposes but, at present, and in the foreseeable future, there are not suitable substitutions for animals in many important and needed research activities.

It is important that research involving animal subjects continue and is protected from destructive actions by these animal rights activists who resort to this violent and dangerous form of protest. Towards this goal, I urge you to support H.R. 3270 and vote for its passage in committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurence Finberg".
Laurence Finberg, M.D.
Dean
SUNY/HSCB School of
Medicine

MONTANA WINTER FAIR

45th Annual

January 19 - January 26, 1991

Board of Directors

May 23, 1990

President

Dale Firman

Vice President

Dan Feddes

Honorable Charles W. Stinholm
 1226 Longworth Building
 Washington D.C. 20515

Cyndi Alverson

Randy Bryant

Duane Burkenpas

Doug Gray, Ph.D.

Pat Jordan, D.V.M.

Connie Lien

Tom Milesnick

Sandy Taylor

Julie Wagner

Re: House Resolution 3270, "Farm Animal and Research Facilities Protection Act of 1989"

Dear Congressman;

The Board of Directors and Staff of the Montana Winter Fair want to thank you for the introduction of the Farm Animal and Research Facilities Protection Act of 1989 bill.

Staff*Fair Manager*

Sandy Austin

Vicki Hamilton

The past two years of our fair has been disrupted by a group known as Earth First. The first year was an uneventful demonstration, this year however the group entered the fairgrounds, changed into animal costumes and interrupted the horse sale in progress. Members of the board of directors managed to remove these people from the activities area but we were informed by the police that we could not require them to leave the entrance area. The demonstration was directed against the very people our fair wishes to pay tribute. The group had loud speakers and shouted obscenities, hitting cars (containing families with small children) and in general causing a problem for the fair.

Our event provides a market place for the livestock industry---- the number one industry for Montana. In 44 years of operating a successful fair, it has now become a worry for us, wondering what future action these people will take. The potential for violence from demonstrators would certainly create a dangerous situation and hopefully, the passing of your bill would allow us to legally remove the hazard from our grounds.

Thank you for supporting agriculture and the numerous fairs and livestock shows that will benefit by passage of this bill.

Sandy Austin
Manager

Dale Firman
President

P.O. Box 117 • Bozeman, Montana 59771-0117 • Phone (406) 585-1387

**Kansas Farm Bureau**

2321 Anderson Avenue, Manhattan, Kansas 66502 / (913) 537-2261

August 28, 1989

Rep. Charles W. Stenholm, Chairman
Subcommittee on Livestock, Dairy and Poultry
1226 Longworth HOB
Washington, D.C. 20515

Dear Rep. Stenholm:

We have recently learned of your intention to introduce the Farm Animal and Research Facilities Protection Act of 1989, legislation which would make it a federal crime to break into farms, ranches and research facilities. We need that kind of protection. We need the legislation that you have contemplated for this purpose. We thank you very much for your willingness to introduce this legislation.

It is our intention, Congressman Stenholm, to be in touch with some of your colleagues in the House of Representatives asking them to cosponsor your legislation. We need the full support of the majority in the Congress of the United States to come to grips with the problems created by vandalism and destruction of property on farms, ranches and in university and other research settings.

Thank you again for your willingness to address this problem. Please let us know the ways in which we can be helpful as you work on this important legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul".

Paul E. Fleener
Director
Public Affairs Division

PEF/kc

cc: Pat Roberts, Dist. 1
Jim Slattery, Dist. 2
Jan Meyers, Dist. 3
Dan Glickman, Dist. 4
Bob Whittaker, Dist. 5



Division
of
Comparative
Medicine

Massachusetts
Institute of
Technology
Building 45
37 Vassar Street
Cambridge
Massachusetts
02139
617/253-1757

April 3, 1990

The Honorable Charles W. Stenholm
United States House of Representatives
1226 Longworth House Office Building
Washington DC 20515

Dear Mr. Stenholm:

As a biomedical researcher and laboratory animal veterinarian, I am writing to thank you for introducing HR 3270, the "Farm Animal and Research Facilities Protection Act of 1989."

Virtually all medical advances in the last century have required animal research. A few examples of these advances are the development of coronary bypass surgery, medication to control high blood pressure, insulin to manage diabetes, and chemotherapy to combat cancer. As I am sure you know, animal research will be essential in the search for cures and treatments for other medical conditions such as Alzheimer's disease and AIDS.

I have written to my own Representative, Chester Atkins, as well as to Representatives Joseph Kennedy and Joseph Early, urging them to support HR 3270. A copy of my letter to Mr. Atkins is enclosed.

If I can supply any information that would be helpful, or assist you or your staff in aiding the passage of this legislation, please feel free to contact me.

Thank you for your consideration.

Sincerely,

James G. Fox
James G. Fox, DVM
Professor and Director

JGF/mw



Pacific International Livestock Exposition, Inc.

MURRAY G. FRETZ
 General Manager
 P. O. BOX 20969
 PORTLAND, OREGON 97220
 TELEPHONE: (503) 257-7881

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LES BUELL
 Treasurer
 Portland, Oregon

LEGAL COUNSEL
 RUSSELL R. KILKENNY
 Portland, Oregon

December 15, 1989

Congressman Charles Stenholm,
 P.O. Box 1101,
 Abilene, TX 79604-1101

Re: H.R. 3270

Dear Congressman Stenholm:

The Board of Directors of the Pacific International Livestock Exposition, Inc. applaud your efforts in introducing the "FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT OF 1989" bill - a bill which would protect livestock producers from animal activist groups.

We fully support this bill, and would respectfully request that you include the protection of Livestock Shows and Expositions in this bill.

Thank you for any consideration that may be given to this request.

Sincerely,
 PACIFIC INTERNATIONAL LIVESTOCK EXPOSITION, INC.

Murray G. Fretz,
 General Manager.

cc Ric Hoyt, President

The Northwest's Premier Livestock Show

Illinois Farm Bureau
1701 Towanda Avenue
P.O. Box 2901
Bloomington, IL 61702-2901
(309) 557-2111

September 5, 1989

A FARM BUREAU SPEEDLINE MESSAGE FOR:

The Honorable Charles W. Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Stenholm:

We understand you will soon be introducing the Farm Animal and Research Facilities Protection Act of 1989 which would make it a federal crime to break into farms, ranches and research facilities.

We believe this legislation is needed and can help deter such crimes. These acts of violence can not only violate private property rights and endanger lives but can destroy valuable research projects.

We commend you for your intentions to introduce this legislation.

Sincerely,

Leonard Gardner
Executive Director
Governmental Affairs Division

★
**BENEFITING
YOUTH**
 ★



February 17 - March 4, 1990

LIVESTOCK SHOW AND RODEO

ASTROHALL • P.O. BOX 20070 • HOUSTON, TEXAS 77225 • 713/791-9000 • FAX (713) 794-9528

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★
**SUPPORTING
EDUCATION**
 ★

October 20, 1989

The Honorable Charles W. Stenholm
 Congress of the United States
 1226 Longworth Building
 Washington, D.C. 20515

Dear Congressman Stenholm:

In congruence with other members from the Livestock Show, Fair and Exposition Industry, the Houston Livestock Show and Rodeo requests your support concerning pending legislation.

It is our understanding that a bill is to be introduced which would make it a federal violation for any animal activist individual or group to invade private production or research facilities to remove or free animals/fowls from such establishments. The Houston Livestock Show and Rodeo is the nation's largest annual livestock exposition, and also provides the largest international livestock marketplace. With literally hundreds of thousands of spectators in and out of the buildings and millions of dollars in livestock and related equipment, we feel it would be prudent to include the facilities of livestock exposition events among those sites mentioned in the bill.

As President of the American Livestock Show and Rodeo Managers Association and immediate Past President of the Texas Association of Fairs and Expositions, I know that I speak for livestock shows throughout Texas and the nation ... and that many events would benefit from the added protection against loss and liability if even one individual or group were hindered because of the proposed legislation.

We deeply appreciate your support and consideration. Please feel free to call if we may provide any additional information.

Sincerely,


 Dan A. Gattis
 General Manager

DAG/lr



May 21, 1990

The Honorable Charles Stinholm
U. S. House of Representatives
Washington, D.C. 20515

RE: House Resolution 3270

Dear Congressman Stinholm:

I am the manager of the Eastern Idaho State Fair. Our fair is held in September of each year. We have 2,000 agricultural animal exhibits and 200,000 attendees. Our fair has played an important role in the advancement of agriculture in the Eastern Idaho area for sixty-five years.

I am familiar with the incident in Martin County, Florida, described in Tony McMillan's letter to you. Our fair, as all others, would experience unique problems from the activities of militant Animal Rights groups. The safety of our fair-goers will be jeopardized by vandalism, arson or the liberation of animals on the fairgrounds.

On behalf of the Board of Directors of the Eastern Idaho State Fair, we want to commend you for your initiative in introducing this necessary legislation. If we can be of any assistance to you and your staff in any way to expedite the passage of this Bill, please let us know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathy Gavin".

Kathy Gavin
Manager

KG/e1

cc: Congressman Richard Stallings

EASTERN IDAHO STATE FAIR
Post Office Box 250
Blackfoot, Idaho 83221
(208) 785-2480

NATIONAL BOARD

OF FUR FARM ORGANIZATIONS

405 Sibley Street, Suite 120, St. Paul, Minnesota 55101 • (612) 292-9629

**Statement of Thomas Gibson
President, National Board of Fur Farm Organizations
Prepared for the House Committee On Agriculture
Subcommittee on Department Operations,
Research, and Foreign Agriculture**

June 14, 1990

I thank the Chairman and the members of the Subcommittee for inviting the testimony of the National Board of Fur Farm Organizations. For the record, the National Board represents more than 2000 U.S. fur farmers and coordinates state, national, and international government relations for our industry.

Simply put, H.R. 3270 is desperately needed, we strongly endorse it, and we urge the Subcommittee to approve it.

H.R. 3270 will provide crucial federal protection to animal use industries that are literally under attack today by animal rights activists. In the last dozen years alone, militant animal activists have committed more than 75 acts of serious violence from vandalism to arson. Those acts have caused tens of millions of dollars in damage to livestock yards, university research facilities, and small farming operations. Some incidents are dramatic, others go unheralded. But all of them are insidious, destructive, and usually dangerous to animals and humans alike.

Some individual examples are shocking. In March, the California Cattlemen's Association office in Sacramento received a gunshot through the front window. In May, 1989, a Molotov cocktail was thrown into their office lobby. That same night, the Dixon Livestock Co. in Sacramento was gutted by fire, causing \$250,000 in damage. And a few months prior, the California Cattlemen's building was spray-painted and the front door lock was filled with liquid steel. A similar incident occurred in Florida where the Cattlemen's Association building was sprayed with slogans like "Beef is Dead."

The activists have also trained their sights on medical research labs. Last July, they broke into a Texas Tech University lab, smashed equipment, released animals, and racked up \$85,000 in damage. Perhaps most important, the vandals stole lab records Dr. John Orem used to record his progress on ground-breaking research into Sudden Infant Death Syndrome.

Commercial agriculture facilities and large university laboratories are not the only targets. From Colorado to Delaware to Pennsylvania, activists have entered small farming operations and stolen or released dozens of animals, worth hundreds, sometimes thousands, of dollars to those who owned them.

Clearly, this is a national problem and it calls for a national solution. H.R. 3270 would make these kind of break-ins a federal crime. It would force activists to think twice before they burn a stockyard, destroy a lab, or damage a small farm. Already at least seven states have passed anti-trespass legislation similar to H.R. 3270, proving there is widespread popular support throughout the nation for this kind of approach.

A vote for H.R. 3270 is a vote to provide proper law enforcement and to protect public property and public health. We urge Congress to pass this bill and put federal clout behind the effort to curtail animal rights violence.



WASHINGTON OFFICE
501 SCHOOL STREET S.W. SUITE 400, WASHINGTON, D.C.
PHONE 202-554-3600 FAX 202-554-3601

July 26, 1989

The Honorable Charles W. Stenholm
Chairman
Subcommittee on Livestock, Dairy, and Poultry
Committee on Agriculture
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We strongly support your efforts in introducing legislation to protect the rights of farmers and their animals from terrorist activities. The National Pork Producers Council believes it is critical to the future of our industry that farms and research operations be protected. We endorse your legislation that makes it a federal crime to break into, vandalize, trespass, or remove animals from agricultural or research facilities.

Animal rights violence is an increasing concern to the 100,000 members of the National Pork Producers Council. We have been proud of our efforts to ensure that our producers use humane practices in raising their livestock. In fact, we are currently developing animal care guidelines for our membership.

~~Animal rights activists are going out of the farm business with~~
~~satisfy the agenda of the most radical animal rights groups.~~
~~Those who choose to disrupt lawful agricultural activities,~~
~~through violent means should face legal sanctions that are~~
~~commensurate to their actions.~~

We pledge our support to work with you and your staff towards successful passage of this much-needed legislation.

Sincerely,

Don Gingerich

Don Gingerich
President
National Pork Producers Council

(Attachment follows:)

STATE PORK PRODUCER ASSOCIATIONS SUPPORTING THE BREAK-IN BILL

Alabama Pork Producers Association
Arkansas Pork Producers Association
California Pork Producers Association
Florida Pork Improvement Group
Georgia Pork Producers Association
Illinois Pork Producers Association
Indiana Pork Producers Association
Iowa Pork Producers Association
Kansas Pork Producers Council
Kentucky Pork Producers Association
Louisiana Pork Producers Association
Michigan Pork Producers Association
Minnesota Pork Producers Association
Missouri Pork Producers Association
Montana Pork Producers Council
Nebraska Pork Council Women
Nebraska Pork Producers Association, Inc.
New Jersey Livestock Cooperative Association, Inc.
North Carolina Pork Producers Association, Inc.
North Dakota Pork Producers Council
Ohio Pork Producers Council
Oklahoma Pork Council
South Dakota Pork Producers Council
Tennessee Pork Producers Association
Texas Pork Producers Association
Virginia Pork Industry Association
Wisconsin Pork Producers Association



Department of Medical
Microbiology and Immunology

333 West 10th Avenue
Columbus, OH 43210-1239

Phone 614-292-5525
FAX 614-292-9805

May 30, 1990

The Honorable Charlie Stenholm
U.S. House of Representatives
Washington, D.C. 20515-4317

Dear Congressman Stenholm:

I am writing this letter to urge your support of H.R. 3270, the "Farm Animals and Research Facilities Protection Act." As a scientist engaged in animal research I am concerned about the growing attacks of animal rights extremists on research facilities. While it is necessary to have strict controls for the ethical treatment of research animals to prevent undue pain and distress, the sort of extreme reactions on the part of those who would prevent ALL animal use in research cannot be allowed to continue in their present trend.

The use of animal subjects is absolutely vital in many aspects of medical research and should be protected by law. As a member of the Subcommittee on Department Operations, Research and Foreign Agriculture, I hope you will support this important bill when it comes before your committee.

Thank you.

Sincerely yours,

A handwritten signature in cursive ink, appearing to read "Ronald Glaser".

Ronald Glaser, Ph.D.
Chairman, Department of Medical Microbiology and Immunology
Professor of Medical Microbiology and Immunology
Professor of Internal Medicine

RG:pr

cc: Leslie Goode, AAMC
Rep. Chalmers Wylie

SOCIETY FOR NEUROSCIENCE

11 Dupont Circle, N.W. • Suite 500 • Washington, D.C. 20036 • 202-462-6688

June 1, 1990

The Honorable George E. Brown, Jr.
Chairman
House Subcommittee on Department Operations,
Research, and Foreign Agriculture
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

It has come to my attention that on June 14, 1990, your subcommittee will mark-up H.R. 3270, "The Farm Animal and Research Facilities Protection Act of 1989". As President of the Society for Neuroscience, I represent over 17,000 neuroscientists who are members of this non-profit organization. On their behalf, I respectfully request that you favorably report this legislation to the full Committee.

As you know, during the 1980's animal rights extremists were responsible for over 50 acts of vandalism at research facilities. Millions of dollars were lost as laboratories were destroyed, burned and looted. Research data, critical to finding improved treatments or cures for a vast number of afflictions, was destroyed.

In addition, the biomedical research community finds itself facing a crisis. Young investigators are deciding not to enter the field of research because of the prospects of seeing their life work literally go up in flames. The chances of having one's family become the objects of harassment or even violence are proving to be an effective deterrent to entering the research arena.

The passage of H.R. 3270 is crucial to alleviating this situation. By making it a federal offense to vandalize or break into a research facility, the full weight of local, state, and federal law enforcement agencies could be used to investigate these attacks. Several law enforcement officials have publically stated that a federal statute would provide a strong deterrent to animal rights extremists bent on vandalism, and that it would increase the coordination necessary among investigative agencies to solve these crimes.

The Honorable George E. Brown
June 1, 1990
Page Two

I would like to thank you for taking the time to consider the Society's views on this matter. If I can ever be of service to you or any of your staff, please feel free to contact me.

Sincerely,

Patricia Goldman-Rakic

Patricia Goldman-Rakic, President
Society for Neuroscience

cc: The Honorable Charles W. Stenholm
The Honorable E de la Garza

PRI/PRIMATE RESEARCH INSTITUTE

P.O. Box 1027
 Holloman Air Force Base, NM, USA 88330-1027
 Telephone (505) 479-6101
 Facsimile (505) 479-4103



Biomedical Research in Rodents, Domestic Animals & Primates:
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 Endocrine Toxicology
 Reproductive Biology
 Experimental Surgery
 Comparative Pathology
 Computer Data Management

October 27, 1989

The Honorable Charles W. Stenholm
 U. S. House of Representatives
 Washington, DC 20515

Dear Representative Stenholm,

I am writing to thank you for your early co-sponsorship of H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989."

Virtually all medical advances in the last century have required animal research. A few examples of these advances are: The development of coronary bypass surgery, medication to control high blood pressure, insulin to manage diabetes and chemotherapy to combat cancer. Animal research will be essential in the search for cures and treatments for other medical conditions such as Alzheimer's Disease and AIDS.

The Primate Research Institute at Holloman AFB, NM, is presently involved in research to find a cure for AIDS using non-human primates, as well as contributing to the development of many new pharmaceuticals.

In recent years, extremists in the animal rights movement in the United States have increasingly used illegal and terrorist means in their efforts to end all research involving animals. Extremists break into labs, steal animals and destroy data, equipment and records. By making such criminal acts federal offenses, H.R. 3270 would bring federal investigation and enforcement capabilities to bear against acts of research sabotage that threaten our nation's health.

This legislation will not inhibit public criticism responsibly lodged through lawful channels, but will deter those who break the law in the name of animal rights. Therefore, please continue to support members of the Agriculture Committee in protecting essential research and the laboratory animals which it requires.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "CEG".

Charles E. Graham, Ph.D., D.Sc.
 Deputy Director
 Research Professor

CEG/ble



State of North Carolina

Department of Agriculture

Raleigh

JAMES A. GRAHAM
COMMISSIONER

August 23, 1989

- MAILED TO N.C. CONGRESSIONAL
DELEGATION - HOUSE & SENATE

The Honorable Terry Sanford
United States Senate
716 Hart Senate Office Building
Washington, DC 20510

Dear Senator Sanford:

As you probably know, Representatives de la Garza, Stenholm, and others have introduced legislation entitled, "Research and Farm Animal Facilities Protection Act of 1989". I believe similar legislation has been introduced in the Senate. This legislation would make it a federal crime to release farm or research animals or to engage in other acts to disrupt the operation of such facilities.

It is designed to discourage the terrorist acts directed against farmers by some of the radical animal rights groups around the country.

You know how important livestock and poultry production is to North Carolina. You also know how important our medical, pharmaceutical and other scientific research facilities are to North Carolina. I hope you will support this legislation and encourage your colleagues to do likewise.

With all good wishes.

Cordially,

James A. Graham
Commissioner

JAG:DSM:mk

cc: ✓ Congressman E. (Kika) de la Garza
✓ Congressman Charles W. Stenholm
J. B. Grant, Executive Director, NASDA

**WISCONSIN FARM BUREAU FEDERATION**

September 15, 1989

The Honorable Charles Stenholm
Chairman, Livestock, Dairy and Poultry Subcommittee
House Agriculture Committee
1301A Longworth House Office Building
Washington D.C. 20515

Dear Mr. Chairman:

The Wisconsin Farm Bureau Federation commends you and Representative Edward Madigan for your interest in introducing legislation that would make it a federal crime for the unauthorized release of animals from farms and research facilities.

As you are aware, there has been an increase in the number of illegal acts committed against animal research facilities and other facilities that house animals. Some have been committed in the name of "animal rights." Regardless of the motives of these actions, the destruction of property and vandalism are, in all cases, contrary to public interest.

In Wisconsin, animal agriculture plays a key role in our total economy. Millions of dollars are invested in and generated from our livestock industries. In 1988 cash receipts from livestock and livestock products were more than \$4.1 billion. This represented 84 percent of total cash receipts for all agriculture commodities.

The WFBF has sent a letter to the Wisconsin delegation urging them to become cosponsors of the legislation you are intending to introduce.

Again, thank you for your interest in animal agriculture. Our livestock industry and research facilities need this legislation to protect them and their investment.

Sincerely

Donald R. Haldeman
President

CC: Representative Steve Gunderson



Texas Tech University

Executive Vice President and Provost
Lubbock, Texas 79409-2019 / (806) 742-2184

June 1, 1989

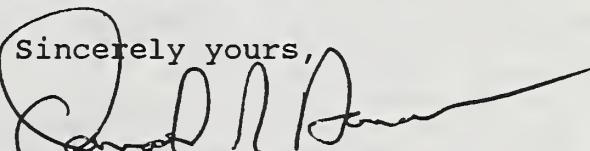
The Honorable Charles W. Stenholm,
Chairman
Subcommittee on Livestock, Dairy and Poultry
U.S. House Committee on Agriculture
1301 Longworth Building
Washington, DC 20515

Dear Congressman Stenholm:

Please know that Texas Tech University strongly supports your bill aimed at providing protection to farm animal facilities engaging in food production or agricultural research from illegal acts. While we also support the humane treatment and use of research animals we are aware of the violent destruction of animal facilities that has occurred at other research institutions. Therefore, we think this bill is necessary, and if passed, will provide a strong deterrent to those who would otherwise abuse animal research facilities.

Thank you for your continued support of our educational and research efforts.

Sincerely yours,



Donald R. Haragan
Executive Vice President
and Provost

Robert M. Sweazy
Robert M. Sweazy
Vice Provost for Research

RMS/scm

07. 17. 80 08:50 AM *ACLU-WashDC .

P O 2



WASHINGTON OFFICE

122 Maryland Avenue, NE
Washington, DC 20002
(202) 544-1681

National Headquarters
132 West 43rd Street
New York, NY 10036
(212) 944-9800

Norman Dorsey
President

Ira Glasser
Executive Director

Eleanor Holmes Norton
Chair
National Advisory Council

July 16, 1990

House Agriculture Committee
Subcommittee on Department Operations,
Research and Foreign Agriculture
1301 Longworth House Office Building
Washington, D.C.

Dear Committee Member:

On behalf of the American Civil Liberties Union I write to express our concern over certain provisions in H.R. 3270, a bill sponsored by Rep. Stenholm that we understand will be marked up tomorrow. While we take no position on the principal thrust of the bill which is aimed at violence in farm animal and research facilities, we are concerned that certain provisions which relate to the acquisition of property may threaten the First Amendment freedoms of whistleblowers and the press.

Because we have just been made aware of the bill we are unable to provide a full legal analysis for the committee at this time. We attach a letter prepared on a similar bill in the Senate for your information. While the terms used in that bill are somewhat different, the issues are quite similar.

Thank you for your consideration of our views.

Sincerely,

Leslie Harris
Chief Legislative Counsel

AMERICAN CIVIL LIBERTIES UNION

WASHINGTON OFFICE

122 Maryland Avenue
 Washington, DC 20001
 (202) 344-1681

National Headquarters
 132 West 43rd Street
 New York, NY 10036
 (212) 944-9800

Norman Dorsey
 President

Ira Glasser
 Executive Director

Eleanor Holmes Norton
 CHAIR
 NATIONAL ADVISORY COUNCIL

September 8, 1989

Senator Howell Heflin
 728 Hart Senate Office Building
 Washington, D.C. 20510--1010

Dear Senator Heflin:

On behalf of the American Civil Liberties Union, we write to express our concern over certain provisions of S. 727, a bill to "amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts." We have no objection to the principal thrust of the bill, which appears to be aimed at violence in federally funded research facilities. We are, however, concerned that the subsection of the bill which makes it a crime to possess or use any records or data of a research facility without the authorization of that facility threatens First Amendment freedoms. Accordingly, we urge that it be struck from the bill.

Specifically, Sec. 3(6) makes it unlawful for any person to possess or use records, material, data, equipment, or animals or in any way to copy or reproduce records or data of a research facility knowing or reasonably believing such records, materials, data, equipment or animals to have been obtained by theft or deception or without authorization of the research facility. (emphasis added). As currently drafted, the bill creates an official secrecy act for federally funded animal research. There is no precedent in federal information policy for such a sweeping assault on the public's right to know. Even in the national security area, Congress has consistently refused to make it a crime to disclose classified information except in narrow cases such as communications intelligence. Yet S. 727 would criminalize the release of any record or data from a federally funded lab, even if that information was provided to Congress by a whistleblower. The provision would thus thwart legitimate whistleblowing activity aimed at uncovering fraud, abuse and violations of federal regulations in federally funded labs and would substantially interfere with the Congress' oversight authority over such programs. Congress has long understood that whistleblowing is an important First Amendment activity. S. 727 flies in the face of that tradition and directly contradicts whistleblower protection laws recently passed by the Congress.

Senator Howell Heflin
September 8, 1989
Page 2

Equally troubling, the bill, by imposing liability on any person possessing any records or data of a research facility places core press freedoms in jeopardy. Under the bill, a journalist may apparently be held criminally liable for printing leaked reports of a medical breakthrough or exposing violations of federal laws. Furthermore, in pursuit of a prosecution of a leaker, journalists may be called before a grand jury to reveal their sources or have their records subpoenaed. In addition, because the bill provides for a private right of action by the labs against anyone who violates any provision of the act (Sec. 6), journalists as well as whistleblowers may be subject to civil liability, further chilling legitimate press inquiry and diminishing the public's right to know.

Finally, the bill may criminalize the release of information that may now be available to the public under the Freedom of Information Act. Whether records in a federally funded lab are "agency records" within the meaning of the Act may depend on the terms of the grant instrument awarding federal funds. But assuming that some lab records are indeed agency records, S. 727 would surely criminalize the release of records which may not be withheld under FOIA. There is nothing in the current FOIA exemptions that would permit the wholesale withholding of every piece of paper generated by federally funded labs. Yet S. 727 authorizes a total black out of information from labs under contract with the government and put the public's right to know at the sole discretion of the labs themselves.

In sum, we believe the inclusion of information related offenses in S. 727 is unwise and unwarranted. It is one thing to criminalize vandalism of labs. It is another to criminalize legitimate First Amendment activity. We would appreciate the opportunity to discuss this matter with your staff at the earliest possible time. Thank you.

Sincerely,



Morton Halperin
Director



Leslie Harris
Legislative Counsel

docname:animal
090889
PC#6

**SOUTH DAKOTA FARM BUREAU**

2225 DAKOTA AVENUE SOUTH
P.O. BOX 1426
HURON, SOUTH DAKOTA 57350
PHONE (605) 352-6731

August 30, 1989

The Honorable Charles Stenholm
U.S. House of Representatives
Washington, D.C. 20510

Dear Congressman Stenholm,

Your hard work in developing and introducing the Farm Animal and Research Facilities Act of 1989 is to be commended. This legislation to protect farms, ranches, and research facilities is needed to help stifle a scary trend that threatens private property and lives and is a threat to the nation's food supply.

The South Dakota Farm Bureau is interested in helping pass this important piece of legislation.

Sincerely,

Michael Held

Michael Held
Administrative Director
SOUTH DAKOTA FARM BUREAU

MH/jf

Karl J. Hittelman, PhD
Associate Vice Chancellor
Academic Affairs
Medical Sciences 115
San Francisco, CA 94143-0400
415/476-1883
Fax (415) 476-0816
BITNET KJH@UCSFVM

University of California, San Francisco A Health Sciences Campus



October 23, 1989

Congressman Charles Stenholm
1226 Longworth House Office Building
Washington, D.C. 20515-4317

Dear Congressman Stenholm:

I write to express my strong support for your bill (HR 3270) and that of Congressman Waxman (HR 3349) to protect research facilities from animal rights terrorists. I appreciate the support of the research community signified by your submission of this legislation. Enactment of these bills is essential to prevent serious damage to our nation's outstanding biomedical research enterprise.

Sincerely,

A handwritten signature in black ink, appearing to read "KJH". Below the signature, the name "Karl J. Hittelman, Ph.D." is printed in a smaller, sans-serif font.

cc: Congressman Henry Waxman



August 1, 1989

The Honorable Charles W. Stenholm
 Chairman, Subcommittee on Livestock,
 Dairy and Poultry
 House Committee on Agriculture
 Washington, D.C. 20515

Dear Mr. Chairman:

The Animal Health Institute (AHI) is the national trade association representing the manufacturers of animal health products, and we are very pleased to offer our full support of your legislation titled the Research and Farm Animal Facilities Protection Act.

We strongly endorse federal legislation to provide a sure and uniform national law for punishing acts of trespass, vandalism, and terrorism aimed at the owners and keepers of animals on farms, in laboratories, and in schools. There is no excuse for actions that threaten violence to people and destroy property and research information.

These lawless activities have impaired the efforts of scientists in public and private laboratories who are seeking life-saving products and procedures for people and animals. The livelihoods of farm families across the country are threatened, as well.

These crimes can be stopped only through the combined efforts of federal, state, and local officials. The Research and Farm Animal Facilities Protection Act is an essential element of the federal effort. Please let us know how we can help.

Yours truly,

Fred H. Holt
 Fred H. Holt
 President
John W. Thomas
 John W. Thomas
 Senior Counsel



23 May 1990

The Honorable Charles Stinholm
U.S. House of Representatives
Washington, D.C. 20515

RE: House Resolution 3270

Dear Congressman Stinholm:

I am the Operations Manager of the Alaska State Fair, Inc. Our 11 1/2 day Fair ends on Labor Day each year. We have several different types of animal exhibits and host approximately 180,000 visitors each year. Our fair has played an important role in the advancement of agriculture in Alaska for 54 years.

I am familiar with the incident in Martin County, Florida, described in Tony McMillan's letter to you. Our fair, as all others, experiences unique problems from the activities of militant Animal Rights groups. The safety of our fair-goers will be jeopardized by vandalism, arson or the liberation of animals on the fairgrounds.

On behalf of the Board of Directors of the Alaska State Fair, we want to commend you for your initiative in introducing this necessary legislation. If we can be of any assistance to you and your staff in any way to expedite the passage of this Bill, please let us know.

Sincerely,

Sara J. Horner,
Operations Manager

(Attachment follows:)

Page 2

cc: Congressman Don Young (Alaska)
Congressman De Le Graza (Texas)
Congressman Madigan (Illinois)
Congressman Huckaby (Louisiana)
Congressman Coleman (Missouri)
Congressman Glickman (Kansas)
Congressman Marlenee (Montana)
Congressman Volkmer (Missouri)
Congressman Stangeland (Minnesota)
Congressman Hatcher (Georgia)
Congressman Roberts (Kansas)
Congressman Tallon (South Carolina)
Congressman Emerson (Missouri)
Congressman Staggers (West Virginia)
Congressman Morrison (Washington)
Congressman Olin (Virginia)
Congressman Gunderson (Wisconsin)
Congressman Penny (Minnesota)
Congressman Lewis (Florida)
Congressman Stallings (Idaho)
Congressman Robert F. Smith (Oregon)
Congressman Nagel (Iowa)
Congressman Combest (Texas)
Congressman Jontz (Indiana)
Congressman Schuette (Michigan)
Congressman Johnson (South Dakota)
Congressman Grandy (Iowa)
Congressman Harris (Alabama)
Congressman Herger (California)
Congressman Campbell (Colorado)
Congressman Holloway (Louisiana)
Congressman Esby (Mississippi)
Congressman Walsh (New York)
Congressman Sarpalius (Texas)
Congressman Grant (Florida)
Congresswoman Long (Indiana)
Congressman Dyson (Maryland)
Congressman Lancaster (North Carolina)
Congressman Watkins (Oklahoma)
Congressman Kolbe (Arizona)
Congressman Weber (Minnesota)
Congressman Stump (Arizona)
Congressman Thomas (Georgia)
Congressman Richardson (New Mexico)
Congresswoman Smith (Nebraska)
Congressman Hammerschmidt (Arkansas)
International Association of Fairs & Expositions



**NORTH CAROLINA
FARM BUREAU FEDERATION**

TELEPHONE (919) 782-1705 / P. O. BOX 27766 / RALEIGH, NORTH CAROLINA 27611

May 16, 1990

Congressman Charles Stenholm, Chairman
Livestock, Dairy and Poultry Subcommittee
U. S. House Agriculture Committee
1301-A Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

The North Carolina Farm Bureau endorses and actively supports enactment of H.R. 3270, "The Farm Animal and Research Facilities Protection Act," sponsored by you and approximately one hundred other members of the House.

We believe it to be essential that the provisions of H.R. 3270 become the law of the land in order to ensure the continued production of high quality food and fiber needs for America's consumers and the continuation of progressive research to enhance the quality of life for all.

Sincerely yours,

A handwritten signature in cursive ink, appearing to read "W.B. Jenkins".

W. B. JENKINS
President

WBJ:msp

cc: Congressman Charles Rose

NATIONAL CATTLEMEN'S ASSOCIATION

1301 Pennsylvania Avenue, N.W. • Suite 300 • Washington, D.C. 20004 • (202) 347-0228

National Headquarters

5420 S. Quebec St. • P.O. Box 3469 • Englewood, CO 80155 • (303) 694-0305



August 1, 1989

The Honorable Charles W. Stenholm
 United States House of Representatives
 1226 Longworth House Office Building
 Washington, D.C. 20515

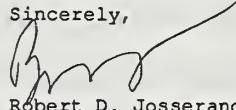
Dear Congressman Stenholm:

On behalf of the National Cattlemen's Association, I would like to applaud your intention to introduce legislation to provide better protection for U.S. farms, ranches and agricultural research facilities from the continued increase in threatened or actual animal rights violence.

By making it a federal crime to break into, vandalize, remove animals, trespass or demonstrate the intent to disrupt farming, ranching, or agricultural research through such activity, your bill will strengthen federal law enforcement agencies capability to deal with these deplorable criminal acts. Cattlemen across the country are seriously concerned about animal rights violence. Several of our state association offices have been vandalized and their staff has received death threats.

The National Cattlemen's Association salutes your foresight and initiative in introducing this necessary legislation. We would like to work with you and your staff in whatever ways that will expedite passage of this bill.

Sincerely,


 Robert D. Josserand
 President
 National Cattlemen's Association

cc: Texas and Southwestern Cattleraiser's Association
 Texas Cattle Feeders Association

Testimony Of The
Juvenile Diabetes Foundation International

On behalf of the Juvenile Diabetes Foundation International ("JDF"), we thank you for the opportunity to present testimony in strong support of H.R. 3270, the "Farm Animal and Research Facility Protection Act". As you know, H.R. 3270 would make it a federal crime to damage an animal research facility. JDF is a voluntary health organization of over 120 chapters and affiliates throughout the nation and the world dedicated to furthering research towards a cure for diabetes and to improving the quality of life of persons with diabetes.

Diabetes is a chronic, complex metabolic disease, which results in the inability of the body to properly maintain and use carbohydrates, fats, and proteins. It results from the interaction of various hereditary and environmental factors and is characterized by high blood glucose levels caused by a deficiency in insulin production or an impairment of its utilization. Approximately 12 million people in the United States have diabetes; each year, more than 500,000 new cases of diabetes are identified.

Discoveries like insulin, laser treatment of diabetic retinopathy, and more accurate methods of blood glucose monitoring have allowed persons with diabetes to lead longer, healthier lives. These life-sustaining discoveries were made possible through the continued commitment of this nation's

researchers and the funding they receive from the federal government. Despite this progress, however, a cure still eludes us. Without a cure, diabetes will continue to be a leading cause of death and the leading cause of new blindness among adults in this country.

Just a couple of weeks ago, the House of Representatives recognized this national crisis and responded with a 10% increase in FY 1991 funding for research programs at the National Institute of Diabetes, Digestive, and Kidney Diseases ("NIDDK"). JDF heartily commends the House for passing such a future-minded appropriations bill, and we hope that the Senate will follow this lead. Unfortunately, this renewed commitment to medical research funding is in danger of being senselessly wasted due to the efforts of animal rights extremists.

Radical groups such as the Animal Liberation Front ("ALF") have been linked to acts of arson, vandalism and theft against research institutions and individual scientists. Such acts cost the biomedical research enterprise in this country millions of federal dollars, and more importantly, waste thousands of precious research hours each year. And not just the taxpayers are suffering -- the real victims are those people who die each year as a result of cancer, Alzheimer's disease, AIDS, diabetes, and other debilitating diseases.

Death threats to biomedical researchers have terrified the entire research community and served to stifle innovative research projects. Biomedical researchers who use animals have fallen victim to the demoralizing and often threatening tactics of the ALF and related groups. Increasingly, researchers are afraid to continue their life-saving work and bright, young scientists are reluctant to even enter the field. When one animal rights activist vandalizes a research facility and steals or destroys vital data, every American feels the impact.

Eleven states have taken a lead in combatting this growing national threat. These states have enacted stiff penalties for anyone caught maliciously inhibiting the work of a biomedical research facility. These states have set their priorities in an attempt to ensure the safety and progress of life-saving research. Their goal, and ours, is not to curtail or infringe upon First Amendment rights, but rather to put a stop to what have been considered criminal acts in this country since the drafting of the Constitution: theft, arson, unlawful trespass, assault, vandalism, and murder. The First Amendment rights bestowed on the people of this country have never included the right to steal, destroy property, or commit violence. Thus, the criminal activity perpetrated against research facilities should not be confused with First Amendment rights.

The lead these states have taken is commendable but not adequate to combat this national crisis. State law enforcement agencies need the resources that only the U.S. Department of Justice and the Federal Bureau of Investigation can provide. This is an interstate and international problem which local law enforcement cannot begin to address adequately. The federal government has a vested interest, in both monetary and humanitarian terms, in the work of medical research facilities and should therefore act to protect its investment.

H.R. 3270, the "Farm Animal and Research Facility Protection Act" is a necessary step in the struggle against animal rights terrorism. Hopefully, H.R. 3270 will serve as a deterrent to the heinous crimes perpetrated by animal rights activists. This deterrent will ensure the safety of our federally-funded research facilities and allow them to continue their life-saving work.

The Juvenile Diabetes Foundation believes that, where animal experimentation in medical research is necessary, then adequate safeguards must be taken to ensure humane care and treatment. Current regulations promulgated under the Animal Welfare Act of 1985 should be strictly enforced, and alternatives to animal research should be pursued whenever

possible. But future progress in diabetes research will undoubtedly require the use of animal models, as adequate alternatives simply do not exist for certain procedures currently being explored. Research involving animals holds the potential for the eventual prevention, alleviation, or cure of diabetes and many other diseases. For this reason, JDF supports legislation designed to safeguard access to animals for medical research purposes, including legislation such as H.R. 3270 to counteract the increasing incidence of violence against animal research facilities.

The debate over the use of animals in research is likely to continue for a long time. But it is not unreasonable to ask Congress to take federal action against the violent tactics of certain animal rights organizations. H.R. 3270 does not endorse the idea of animal research or attempt to reduce the requirements of the Animal Welfare Act, but rather simply provides stronger deterrents to criminal elements within the animal rights movement.

On behalf of the 10 million Americans suffering from diabetes, JDF commends Congressman Stenholm for introducing H.R. 3270. JDF urges prompt passage of this important legislation which will provide greater hope to all Americans afflicted with disease.

5210h



THE MOUNT SINAI MEDICAL CENTER

ONE GUSTAVE L. LEVY PLACE • NEW YORK, NY 10029-6574



Mount Sinai School of Medicine • The Mount Sinai Hospital

Office of the Dean
Box 1096

(212) 241-7335

June 6, 1990

The Honorable Charles W. Stenholm
 U.S. House of Representatives
 1226 Longworth House Office Building
 Washington, D.C. 20515

Dear Mr. Stenholm:

On behalf of the Mount Sinai Medical Center, I am writing to express our support for H.R.3270, the Farm Animal and Research Facilities Protection Act of 1989, and to encourage you to approve this bill.

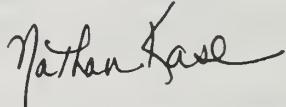
Virtually, every major medical advance of the last century has depended upon the use of animals to find new and better treatments for life-threatening diseases, such as cancer, AIDS, Alzheimer's Disease, diabetes, hypertension, and atherosclerosis. Without animal research, vaccines for polio, smallpox, measles and diphtheria would not be available. The use of animal models is critical to continued progress in developing new medications and treatments for diseases that cannot be treated or cured today.

As a large academic medical center, Mount Sinai is devoted to clinical care, strengthening the quality of medical education and training, advancing biomedical research programs, and integrating education and research into the provision of improved health care. The use of animals in research is integral to fulfilling these goals. At the same time, as scientists involved in this research, we are deeply committed to the humane and appropriate use and care of research animals, including the avoidance of unnecessary pain, the use of minimal number of animals, the use of the most appropriate species, and the use of model systems, where possible. Every grant proposal and research protocol involving the use of animals is reviewed by an Institutional Animal Care and Use Committee to ensure compliance with applicable laws and regulations.

We are gravely concerned that the actions of some "animal rights" organizations will threaten the continued progress of biomedical research. Over recent years, the incidence of break-ins at research institutions and animal care facilities around the country has increased at an alarming rate. Many of these incidents have resulted in the destruction of years of vital research which can be neither reproduced nor replaced. Extremists' tactics have included arson, breaking into laboratories, stealing animals and destroying data, equipment and records. H.R.3270 would make such actions Federal offenses, thereby providing additional protection to animal research facilities.

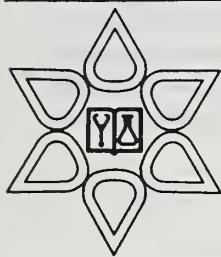
Once again, I urge you to approve H.R.3270. Thank you for your consideration.

Sincerely,



Nathan Kase, M.D.
Dean
Mount Sinai School
of Medicine

NK/blm



**THE MT. SINAI
MEDICAL CENTER**

One Mt. Sinai Drive
Cleveland, Ohio 44106-4198
216/421-5909

Anita Khayat, Ph.D.
Vice President
Professional Services

May 31, 1990

The Honorable Charlie Stenholm
U.S. House of Representatives
Washington, D.C. 20515-4317

Dear Representative Stenholm:

I understand that the House Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture will mark-up H.R. 3270, the "*Farm Animals and Research Facilities Protection Act*," on June 14. As Vice President of Professional Services/Medical Affairs at the Mt. Sinai Medical Center, and as a member of the Association of American Medical Colleges (AAMC), I am writing to reiterate the Medical Center's support for H.R. 3270 and to encourage you to approve this bill.

Like AAMC, the Mt. Sinai Medical Center has as its purpose the improvement of the nation's health through the advancement of academic medicine. As one of the 420 major teaching hospitals, Mt. Sinai and our members strive to set a national agenda for medical education, biomedical research, and health care. In pursuing this purpose, the Medical Center works to strengthen the quality of medical education and training, to enhance the search for biomedical knowledge, to advance basic, clinical, and health services research, and to integrate education and research into the provision of improved and effective health care. Use of animal subjects and research is integral to fulfilling these goals.

Virtually all of the medical breakthroughs of this century are based on research involving animals. Animal research holds our greatest hope in continuing to understand and conquer such fatal illnesses as cancer, heart disease, and AIDS. Unfortunately, potentially life-saving work has come under increasingly violent attack in recent years. Some individuals opposed to animal research have resorted to acts such as burning buildings, destroying equipment and data, and making personal threats of harm to researchers and their families. H.R. 3270 would

make such actions a federal offense and punishable accordingly. On behalf of the academic medicine community, I urge you to approve H.R. 3270 and send a strong message that proper use of animals in research is acceptable public policy and that violent, terrorist-style activity will not be tolerated. Thank you for consideration of my views.

Very sincerely yours,

Anita Khayat (24)

Anita Khayat, Ph.D.
Vice President
Professional Services/Medical Affairs

tg

UNIVERSITY OF CALIFORNIA, DAVIS

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SANTA BARBARA • SANTA CRUZ



DEPARTMENT OF PHARMACOLOGY
 SCHOOL OF MEDICINE
 DAVIS, CALIFORNIA 95616

November 13, 1989

The Honorable Charles W. Stenholm
 U.S. House of Representatives
 Longworth House Office Bldg., Rm. 1226
 Washington, D.C. 20515

Attn: Health Advisor

Dear Mr. Congressman:

I write to congratulate you on your bill H.R. 3270, the Farm Animal and Research Facilities Protection Act and to assure you and your cosponsors of my support.

As a working scientist involved, for more than 30 years, in basic research aimed at the solution of critical health problems, I have been appalled at the actions of so-called animal lovers who have endangered the lives and welfare of farm and experimental animals for publicity purposes. Further, the delays and added costs of damage to research facilities and animal housing units has put at further risk the health of many of our citizens who are anxiously awaiting medical progress in the therapy of their incurable or debilitating diseases. Your bill quite rightly puts such actions in their proper perspective as crimes against the welfare of our citizens.

Thank you on behalf of all of us.

Sincerely,

A handwritten signature in cursive ink that reads "Eva King Killam".

Eva King Killam, PH.D.
 Professor of Pharmacology
 President, The American Society for
 Pharmacology and Experimental
 Therapeutics
 Past President, American College of
 Neuropsychopharmacology

EEK:ccn



THE UNIVERSITY OF ARIZONA
TUCSON, ARIZONA 85721

OFFICE OF THE PRESIDENT

(602) 621-5511

July 20, 1989

The Honorable Charles W. Stenholm
1226 Longworth House Office Building
Washington, D.C. 20515-4317

Dear Representative Stenholm:

I am writing to express my appreciation for your willingness to introduce the companion bill to Senator Heflins' S. 727. "The Animal Research Facility Protection Act." I was irate to hear about the recent break-in of an animal research facility at Texas Technical University. As you may know, our animal research laboratories at The University of Arizona were attacked on April 2, 1989. Fires were set in two buildings, four laboratories were vandalized and more than 1,200 animals were stolen. The estimated damage was \$288,200. I am enclosing a collection of press clippings about the break-in for your information.

Break-ins of research facilities are increasing in number and severity. These activities are discouraging to researchers and students who are working on solutions to numerous human and animal diseases. Your efforts will provide needed federal law enforcement capabilities. Thank you again for your work in this important research area.

Cordially,

A handwritten signature in black ink, appearing to read "Henry Koffler".

Henry Koffler
President

HK:nv

Enclosure



AMERICAN FEED INDUSTRY ASSOCIATION

July 31, 1989

The Honorable Charles Stenholm
U.S. House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Rep. Stenholm:

On behalf of the nearly 700 member companies of the American Feed Industry Association (AFIA), I am writing to strongly commend you for the introduction of your bill to protect the employees, animals and property of the nation's farms, ranches, agricultural and biomed facilities from break-ins, theft, arson and other criminal acts.

Agriculture and scientific research have been targeted for several years by a radical segment of our society who feel that animal use for food production or medical advances is somehow unethical, cruel and inhumane, and that "direct action" is necessary because the system grinds too slowly to attain the goal of an end to animal use.

According to the "Animal Liberation Front Support Group" publication "Liberator", 1988 Edition, 77 incidents through November, 1988, have resulted in more than \$5 million in damage and the theft of nearly 2,500 animals. Nearly a third of these incidents were directed at agriculture. In the first half of 1989, more than half-a-dozen additional incidents are known to have occurred. This is just the tip of the iceberg, according to the movement itself.

We strongly believe Congress must send the strongest signal possible signal that it will not tolerate this activity, while at the same time setting a high priority for federal law enforcement agencies. The full weight of the law must be imposed on such crimes.

Your bill will act as a serious deterrent to these groups, while providing much needed protection for employees, animals and invaluable research on improved food production and medical care.

AFIA will work with you and your office in any way necessary to achieve passage of this legislation as expeditiously as possible. Again, thank you for your courage and foresight in introducing this valuable and much-needed set of federal protections.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Koppenhaver".

Steve Koppenhaver
Vice President

1701 Fort Myer Drive, Arlington, Virginia 22209
Tel: 703/524-0810 Fax: 703/524-1921

by

Steve Kopperud
Vice President

Chairman Brown and members of the subcommittee, the American Feed Industry Association (AFIA) wishes to thank you for the opportunity to comment on H.R. 3270, the Farm Animal & Research Facility Protection Act of 1989, a bill of extreme importance to the farmers, ranchers and agribusinesses of the United States. AFIA wishes the subcommittee to know of our strong support for this bill and urges speedy approval today.

AFIA is the national trade association representing the manufacturers of more than 70% of the primary formula livestock and poultry feed sold annually in the U.S. In addition, AFIA's membership includes large animal producers, animal health product manufacturers and suppliers of equipment and services to the feed, livestock and poultry industries.

AFIA is generally recognized as the authority on the animal rights movement, it's strategies and politics and its current and potential affect on animal agriculture. In addition, AFIA staff serve as chairman of the Washington-based Farm Animal Welfare Coalition, an ad hoc coalition of national animal producer organizations, as well as

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vice chairman of the Animal Welfare Committee of the U.S. Animal Health Association.

AFIA also created the Animal Industry Foundation (AIF), a 501(c)(3) foundation which produces educational materials for the consumer on modern livestock and poultry production practices. The executives of major U.S. livestock and poultry producer organizations serve on the board of trustees of AIF.

H.R. 3270, introduced by Chairman de la Garza, Rep. Stenholm and Rep. Madigan, carries the support and cosponsorship of 42 members of the House Agriculture Committee, and at last count the total number of cosponsors in the House is 176.

In addition to the broad bipartisan support of House members is the national support this legislation enjoys throughout agriculture. We have attached to this statement a listing of 48 national, 19 regional, and 227 state producer groups, trade associations and processing groups which endorse H.R. 3270. These groups represent all 50 states and Puerto Rico.

Farmers and ranchers take strong exception to the statement included in this hearing's charter that H.R. 3270 is opposed by both "animal welfare and animal rights groups." While the opposition of the animal rights community is expected, farmers and ranchers believe they are true animal welfarists, and they strongly support this legislation, and urge its swift passage.

WHY H.R. 3270 IS NECESSARY

H.R. 3270 represents one of the unfortunate necessities bred of a modern society. It is truly regrettable that so-called animal rights activists feel compelled to ignore the rights of others, take the law into their own hands, steal and destroy property, while threatening the health and safety of innocent people.

If the spreading pattern of animal rights violence is not stopped, this nation's ability to feed itself and the world is at risk. We've closed research farms and production/processing facilities to public tours because of security risks; companies are installing expensive, sophisticated security systems previously unseen at feed, meat processing and production facilities, and farmers no longer greet drop-in visitors with pride and open arms, but rather with suspicion. All of this adds up to increased cost of production and processing, which translates to higher food costs.

Farming and ranching is tough enough, but farmers and ranchers aren't stupid. If raising animals for food might get you killed, then maybe a job in town looks a lot more appealing.

There's a saying in the animal rights movement: "If you can't legislate them out of business, and you can't regulate them out of business, then cost them out of business." What greater "cost" than the safety of your family, your employees or yourself?

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Radical animal rights criminal activism is not a home-grown phenomenon. Such activity has plagued Europe, particularly Great Britain, for decades, and thus is perhaps one of our least favorite European imports. Fast-food outlets are firebombed because they sell "charred animal flesh," department store fires are set because fur is sold; farms are vandalized and butcher shops torched because they sell meat, and biomedical research facilities are attacked because they use animals to find cures and treatments for disease and crippling conditions. All are part of the pattern.

European observers of this movement and law enforcement authorities warned that the U.S. should expect not only a transplant of this philosophy of violence, but of also the relocation of the individuals involved, as criminal investigations made their stay in Europe impractical--and uncomfortable.

It's happened as predicted, with violence now almost routine in the U.S., Canada and now, Australia. So pervasive is the violence that biomedical and agricultural interests in the U.S. have linked with their European, Canadian and Australian counterparts to resist this phenomenon. The world is watching this hearing and waiting to see if the U.S. Congress will take the steps necessary to signal the world that this type of activity will not be condoned here for any reason--no matter how seemingly noble.

You have heard from the National Association for Biomedical Research about recent car bombings in Great Britain that missed their targets, but injured and perhaps killed innocent bystanders, including children. This type of barbarity cannot be tolerated in the U.S. It

is, by any definition, purely and simply terrorism.

If Congress will not tolerate terrorist activity abroad in the name of geopolitics, it must not tolerate it at home in the name of animal rights.

What is most chilling about all of this is the U.S. has followed the pattern set by the European animal rights movement: First, comes the picketing, which escalates to demonstrations, which moves to civil disobedience, then crimes against property, and finally--and regrettably--crimes against people. We must stop this escalation now!

The last wrinkle in this sorry tale is the recent emergence of "copycat" criminals, individuals and groups who may or may not have a dedication to the animal rights philosophy, but who delight in the destruction of property and vandalism for which they feel this movement gives license. Crimes against the Florida Cattlemen's Assn., the Florida state diagnostic lab, and most recently graffiti spray-painted on the walls of a California feed company were the actions of petty criminals who acknowledged they had gotten the idea from publicity surrounding animal rights crimes.

What H.R. 3270 will accomplish is the strongest possible declaration--and it is hoped, disincentive--to radical animal rights and environmental activists that this country does not tolerate willful criminal activity on any level.

Radical animal activism in this country is quickly reaching epidemic proportions. Literally hundreds of incidents have been directed at agriculture, food production and biomedical research in the last 10 years, a shocking statistic, but one which almost pales when one considers that in all that time, there have been on three arrests and convictions connected to any of these incidents.

Production agriculture finds itself the target of zealots purporting to represent the rights of animals and protection of the planet, while resorting to reckless endangerment of workers, and theft and destruction of property--both real and intellectual. The ultimate effect on society is obvious if this terrorism remains unchecked. People--and animals--will ultimately suffer.

Together with biomedical research, restaurants and fast-food outlets, the fur industry and animals used in exhibition, entertainment and recreation, we find ourselves the easy prey of criminals, who if caught, at worst under current law find themselves charged with misdemeanors, such as petty vandalism or destruction of property.

What must be recognized is that in the case of animal rights and radical environmental activism, there exists a national network of groups and individuals dedicated to the commission of criminal acts through sophisticated methods and detailed coordination of events. It is not uncommon to find indications that a band of activists may have travelled from one state to another to "target" a particular facility, removing equipment and animals to the state of origin to further complicate detection.

What H.R. 3270 will accomplish is similar to what Congress has achieved in the past through legislation which recognized that unrelated but similar acts throughout the country add up to an overwhelmingly negative impact on our society. Such laws include those against loan sharking and similar activity.

While nearly a dozen states have recognized the growing problem of animal rights and radical environmentalist violence and passed so-called "trespass" or "break-in" laws--many modeled on H.R. 3270--this patchwork of penalties and prohibited acts is insufficient to dissuade the dedicated activist. It also signals that if you're about to trash a farm or lab, go to a state with a misdemeanor penalty or no penalty at all.

What must be recognized is the immediate need for coordination among local, state and federal authorities in stemming domestic terrorism. There must be in place a mechanism that accomplishes the following fundamental goals:

- o A system to coordinate investigations among law enforcement agencies at all levels of jurisdiction;
- o A clearinghouse of information and intelligence on radical animal and environmental activist crime to improve the chances of successful investigations and apprehension, and
- o A coordination among federal departments which have authority over segments of animal use which are under attack.

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H.R. 3270 will accomplish these goals with minimal dislocation of current law enforcement programs or the need for additional appropriations.

No agricultural, biomedical or other animal user group is asking that the FBI or any other federal law enforcement agency abandon its current agenda in favor of animal rights crimes. We are saying the priority on animal rights violence must be raised so that these crimes are not ignored. When they're ignored, the perpetrators get a clear signal that to commit such acts is virtually risk-free.

The recent oversight hearing held before this subcommittee dramatically demonstrated the need for coordination and aid to the states. Witnesses for the National Institutes of Health could not comment on the frequency of criminal acts in agriculture because they were not charged with tracking that area, but at the same time, the witness for USDA could not comment because her department is not charged with any responsibility for investigating or even recording incidents.

The witness for the U.S. Department of Justice said current law and authority is adequate to deal with this problem, but yet in Dixon, California, when an auction market was burned to the ground and Earth First! took credit for the deed, no FBI agent spoke to the owner, nor did a representative of the Federal Bureau of Alcohol, Tobacco & Firearms arrive on the scene to take the federal role as is required in cases where arson or explosives are involved. (Ironically, if local firefighters had not arrived in time, animals in holding pens adjacent to the auction could have died.)

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We agree with the White House Office of Science & Technology Policy, which, in a letter made part of the oversight hearing record, said: "The passage of this legislation would constitute a powerful statement that this country will not tolerate illegal and violent acts..."

Also compelling was the witness for the state of California, who when asked if such federal authority was necessary, acknowledged that current law is inadequate to deal with this growing problem. He went on to say that even a state as sophisticated as California can not handle this problem alone.

THE HISTORY OF VIOLENCE AGAINST U.S. ANIMAL AGRICULTURE

Based on study and observation of the animal rights movement for nearly a decade, it is generally assumed that what happens to biomedical research will eventually happen to the farmer a couple of years later. However, while agriculture may lag the biomedical community in some respects of this movement, we are unfortunately neck-and-neck with them when it comes to frequency and severity of criminal activity directed at agricultural production, processing and research facilities.

We have watched the evolution of this movement from the first nation-wide pickets in front of Burger King restaurants to protest so-called "factory farming" in June, 1982, to the increasing number of violent incidents against individual farms, ranches and research facilities recorded in 1989.

Even the federal government is not immune. The U.S. Department of Agriculture's Beltsville, Md., research facility was the target of a

-10-

break-in on August 23, 1987. A group calling itself the "Band of Mercy" broke into the facility, stole seven African mini pigs and 27 cats. The cats were infected with toxoplasmosis, a harmful bacteria that forced the Centers for Disease Control to issue a public health alert for the Washington, D.C. area. No suspects have been arrested, no animals recovered.

The following is a chronological list of major incidents of which we are aware and have been able to confirm either though media reports or first-hand knowledge of the incident:

- o June 4, 1986: Hartly, Del., At Sydel's Egg Farm chickens are stolen, and buildings are spray-painted with slogans, such as "Animal Auschwitz" and "Torture Chamber." "Farm Freedom Fighters" take credit for the incident.
- o Nov., 24, 1986: Modesto, Cal., Two contract turkey grower facilities are hit, gas and water lines are cut, sugar is put in in gas tanks, glue in engines, extensive spray painting of slogans, turkeys are stolen, with damage estimated at \$12,000. "Animal Liberation Front" takes credit for the incident. (Again, ironically if the vandalism had not been discovered quickly, heat and water to a poult house would not have been restored, and several thousand young birds would have died.)
- o April 16, 1987: Davis, Cal., \$5 million in arson damage to the veterinary diagnostic lab under construction. "Animal Liberation Front" takes credit for the incident.

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- o April 16, 1987: Milan, Pa., Wolfe Poultry Farm has 40 chickens stolen, slogans spray-painted on buildings. "Farm Freedom Fighters" takes credit for the incident.
- o April 4, 1988: Davis, Cal., Davis Poultry & Egg Ranch is victim of vandalism and theft of 28 hens. "Animal Liberation Front" takes credit for the incident. Press notification from the ALF is received in New York, Boston and other East Coast cities.
- o June 23, 1988: Santa Rosa, Cal., Farmer Mitch Fitsgerald's farm is hit by intruders who steal three Holstein bull calves. The barn was spray-painted with slogans: "3 Are Saved," "Meat is Murder!," and "ALF Strikes Again." The farmer had not previously received threats. He is no longer in business.
- o Jan. 29, 1989: Sacramento, Cal., Dixon Livestock Auction Market is hit by arson, with damage estimated at \$350,000. Animal rights slogans are spray-painted in the auction ring. "Earth First!" takes credit for the incident. No federal authorities contact the owner of the auction market. The fire nearly reaches holding pens where animals are being held overnight.
- o Jan. 29, 1989: Sacramento, Cal., The offices of the California Cattlemen's Assn., the California Wool Grower's Assn, and the California Council on Agriculture are hit by vandalism, with the outside of the building spray-painted

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with anti-agriculture slogans, locks are glued, etc. "Earth First!" takes credit for the incidents.

- o April 28, 1989: Monterey, Cal., A fire is put out at the Luce-Carmel Meat Co., and "multiple incendiary devices" are found by the arson squad. Vans and trucks are spray-painted with graffiti. 14 workers are in the building at the time of the incident. "Animal Liberation Front" takes credit for the incidents.
- o May 26, 1989: Sacramento, Cal., An unknown assailant throws a brick and unlit Molotov cocktail through the window of the California Cattlemen's Assn. An association executive is in the offices at the time of the incident.
- o July 15-16, 1989: Kissimmee, Fla., Buildings and trucks are spray-painted at the offices of the Florida Cattlemen's Assn., state Animal Disease Diagnostic Lab, and the Saddle Rack Western Store, a major rodeo sponsor in the area.

The listing above shows major incidents which have occurred in the last five years. What we cannot provide to the committee is the listing of almost countless incidents of farm break-ins, animal thefts, barn burnings, graffiti, vandalism and similar actions where the farmer or rancher will not report the incident to the authorities.

Why would the victim of a crime be reluctant to report it? Because farmers and ranchers are afraid of making themselves--and their families--targets for a second hit. At the same time they wonder

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"why go through the bother?" since the police priority on "property crimes" is so low, and the arrest and conviction record for such activity is so poor.

An FBI agent, speaking to a meeting of the Nevada Cattlemen's Assn. last fall, reported to the group that the incidence of violence against farms and ranches in that state was increasing and appeared to be part of a pattern of violence directed against ranchers by animal rightists and militant vegetarians. So rapidly are the attacks increasing, said the agent, that his office no longer believes a string of vandalism against remote ranches is random, and in fact, was reopening its investigation of the incidents. In a news report following the meeting, the Animal Liberation Front and Earth First! "acknowledged increased action" against farms and ranches, partly as an extension of their activity against biomedical research facilities.

Even more sinister is the psychological harassment that usually accompanies the violence and criminal activity. You'll note that the offices of the California, North Carolina and Florida Cattlemen were targeted for vandalism and destruction. At the same time the state executives of the Arizona and Utah cattlemen's associations have received harassing phone calls and death threats.

A producer group executive who appeared on a Los Angeles talk show to explain his industry's production practices received menacing letters following his appearance. Many of the prominent spokespeople for agriculture on these activist issues have received ominous phone calls or letters following speeches on behalf of

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their respective industries.

What is even more horrifying is that many times the threats of violence and even death are not directed at the industry figure, but at their families, particularly their children.

CONCLUSION

Those who observed the June 10 "March for the Animals" had to come away with at least one obvious conclusion: For all of its claims to the contrary, the U.S. animal rights movement is quickly becoming radicalized, abandoning any semblance of moderation. When even their own spokespeople are booed from the stage for speaking of moderation--as in the case of actor Christopher Reeve--one must re-evaluate the motives and values of this movement in general. It was interesting to note that when actress Gretchen Wyler followed Reeve to the stage, explaining she was not apologizing for the actor, she explained "he doesn't understand our issue."

H.R. 3270 does two very simple things: It recognizes radical animal rights and environmental activism against people and property for what it is: Criminal activity. The legislation will elevate the priority of such criminal acts within federal law enforcement agencies so that the full sophistication and expertise of these organizations can be brought to bear--including federal subpoena power and the ability to use conspiracy as grounds for investigation. It will engender better coordination with state and local law enforcement agencies to enhance their ability to investigate and apprehend these criminals.

Opposition to H.R. 3270 from animal groups is surprising. For the

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first time this legislation provides a common ground where animal users and animal advocates can agree. Stopping the violence is in the best interest of all concerned. If so-called "moderate" animal groups wish to be heard, then they need to support legislation that would eliminate a major negative factor when it comes to the public's perception of the animal rights message.

AFIA calls on all animal rights groups to publicly condemn--in the strongest terms--all animal rights criminal activity without exception. To pay lip-service to denouncing violence, while stating that you can "understand the frustration and motivation" simply panders to the radical groups who foster such criminal acts.

Some opponents of H.R. 3270 argue that if animal rights groups had standing in federal court to sue federal agencies to enforce federal animal protection statutes, such lawlessness would be unnecessary.

How could anyone assume that a group or individual ready to ignore the law in pursuit of a cause--generally explained by that person's "frustration" with due process--would automatically take to the courts to seek redress of any grievance? It seems logical that once the system has been abandoned, it is unlikely the activist would have renewed faith just because they could now sue.

At the same time, the bill is attacked for abridging free speech and whistleblower protections. This also makes little sense, since the bill clearly states that what is prohibited is the disruption of the business of the facility unlawfully. Legitimate employee

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grievances are protected.

There currently exists protection for government employees who report fraud, waste or illegal activity. There is no such coverage for private employees, and this is the subject of legislation pending before other committees in both the House and the Senate. As recently as three weeks ago, the full Senate Agriculture Committee rejected private employee whistleblower protections as part of legislation to regulate the seafood industry.

H.R. 3270 is not the appropriate vehicle to make such legislative decisions that will have much broader implications than this bill.

However, as with the First Amendment, neither existing law nor that proposed provides an employee with total immunity for conduct. If the employer can establish that the personnel action would have occurred even if the employee was not a "whistleblower," then the employer can take action.

Inherent in this scheme is that activity protected is the reporting, not any conduct related to the reporting of fraud, waste, etc. Consequently, an employee who engages in theft, arson, destruction of property or trespassing could be terminated for such activity.

H.R. 3270 does not prohibit an employee of a facility or anyone else for that matter, from reporting a perceived violation, nor is any penalty imposed for reporting. However, if the employee engages in illegal activity he could be subjected to a penalty, just as the whistleblower legislation permits an adverse personnel action for cause.

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What is not protected is the individual or group seeking employment only for the purpose of creating whatever evidence is necessary to impugn the operation of the facility. Such "plants"--unless sought by legitimate law enforcement organizations--are not so-called legitimate investigatory devices, as some have called them. Such arguments ignore proprietary rights to both physical and intellectual discoveries, as well as the basic freedom to conduct legitimate businesses and scientific endeavors free from paranoia and harrassment by someone who doesn't like what you do.

The essence of H.R. 3270 is not the protection of property, real or intellectual. It is the protection of people and animals. Both are at risk any time someone takes the law into his or her hands to redress a perceived wrong. If action is not taken soon, someone is going to get killed.

Insurance can pay for new animals, equipment and buildings. Nothing can reimburse the family that loses an innocent loved one in the name of radical animal rights activism.

AFIA thanks the committee for its attention, and stands ready to aid the committee in any way it can.

(Attachment follows:)

6/12/1990

LIST OF NATIONAL, REGIONAL, STATE GROUPS
SUPPORTING FEDERAL FARM FACILITIES PROTECTION BILLS

NATIONAL:

American AgriWomen
American Alfalfa Processors Association
American Angus Association
American Beefalo World Registry
American Brahman Breeders Association
American Bralers Association
American Chianina Association
American Farm Bureau Federation
American Feed Industry Association
American Gelbvieh Association
American Hereford Association
American International Charolais Association
American Maine-Anjou Association
American Meat Institute
American Murray Grey Association
American National CattleWomen
American Pinzgauer Association
American Polled Hereford Association
American Red Brangus Association
American Salers Association
American Sheep Industry Association
American Shorthorn Association
American Simmental Association
American Simbrah Association
American Veal Association
Animal Health Institute
Beefmaster Breeders Universal
Commission on Farm Animal Care
Foundation Beefmaster Association
Holstein Association
International Braford Association
International Brangus Association
International Salorn Association
Livestock Marketing Association
National Board of Fur Farm Organizations
National Broiler Council
National Cattlemen's Association*
National Feed Ingredients Association
National Grange
National Live Stock Producers Association
National Milk Producers Federation
National Pork Producers Council
National Turkey Federation
North American Limousin Foundation
Red Brangus Association of America
Santa Gertrudis Breeders International
United Egg Association
United Egg Producers

*NCA's support indicates the support of 41 state affiliate organizations listed individually.)

REGIONAL:

Delmarva Poultry Industry, Inc.
Empire Livestock (N.Y.)
Equity Cooperative Livestock Sales Association
Michigan Livestock Exchange
New England Grain & Feed Association
New England Poultry Association
New England States Holstein-Friesian Association, Inc.
National Finance Credit Corporation of Texas
National Livestock Exchange
National Livestock Commission Company
National Live Stock Credit Corporation
Pacific Egg & Poultry Association
Pacific Northwest Grain & Feed Association
Producers Marketing Association
Producers Livestock Credit Corporation
Producers Livestock Marketing Association
Producers & Texas Livestock Marketing Association
Southeastern Poultry & Egg Association
Tri-State Livestock Credit Corporation (Cal.)

STATE:**ALABAMA:**

Alabama Cattlemen's Association
Alabama Holstein Association
Alabama Pork Producers Council

ALASKA:

Alaska Grange Council

ARIZONA:

Arizona Cattle Feeders Association
Arizona Cattle Growers Association
Arizona Holstein-Friesian Association
Tuscon Grange #6

ARKANSAS:

Arkansas Cattlemen's Association
Arkansas Pork Producers Association
Arkansas State Grange
Arkansas State Holstein Association

CALIFORNIA:

California Cattlemen's Association
California Grain & Feed Association
California Holstein Association
California Pork Producers Association
California State Grange
California Turkey Industry Board

COLORADO:

Colorado Cattle Feeders Association
Colorado Cattlemen's Association
Colorado CattleWomen, Inc.
Colorado Grain & Feed Association
Colorado State Grange
Holstein-Friesian Association of Colorado

CONNECTICUT:

Connecticut Poultry Association
Connecticut State Grange
Holstein-Friesian Breeders Association of Connecticut

DELAWARE:

Delaware Holstein Association
Delaware State Grange

FLORIDA:

Florida Cattlemen's Association
Florida Holstein Association
Florida Pork Improvement Group
Florida Poultry Federation, Inc.
Florida State Grange

GEORGIA:

Georgia Cattlemen's Association
Georgia Holstein-Friesian Association, Inc.
Georgia Pork Producers Association
Georgia Poultry Federation

HAWAII:

Hawaii Cattlemen's Council, Inc.

IDAHO:

Idaho Cattle Association
Idaho State Grange
Idaho State Holstein Association, Inc.

ILLINOIS:

Grain & Feed Association of Illinois
Illinois Beef Association
Illinois Holstein Association
Illinois Pork Producers Association
Illinois State Grange

INDIANA:

Indiana Beef Cattle Association
Indiana Farm Bureau Federation
Indiana Grain & Feed Association
Indiana Holstein Association, INC.
Indiana Livestock Breeders Association
Indiana Pork Producers Association
Indiana Sheep Breeders, Inc.
Indiana State Dairy Association
Indiana State Grange
Indiana State Poultry Association
Indiana State Rabbit Breeders Association
Indiana Veal Association

IOWA:

Iowa Cattlemen's Association
Iowa Holstein Association
Iowa Pork Producers Association
Iowa State Grange
Iowa Turkey Federation

KANSAS:

Holstein-Friesian Association of Kansas
Kansas Grain & Feed Association
Kansas Livestock Association
Kansas Pork Producers Council
Kansas State Grange

KENTUCKY:

Kentucky Beef Cattle Association
Kentucky Holstein Cattle Club
Kentucky Pork Producers Association

LOUISIANA:

Louisiana Cattlemen's Association
Louisiana Holstein-Friesian Association, Inc.
Louisiana Pork Producers Association

MAINE:

Maine Poultry Association
Maine State Grange
Pine Tree State Holstein-Friesian Association

MARYLAND:

Maryland Cattlemen's Association
Maryland Holstein-Friesian Association, Inc.
Maryland State Grange

MASSACHUSETTS:

Massachusetts Holstein-Friesian Association
Massachusetts Poultry Association
Massachusetts State Grange

MICHIGAN:

Michigan Cattlemen's Association
Michigan Holstein-Friesian Association, Inc.
Michigan Pork Producers Association
Michigan State Grange

MINNESOTA:

Minnesota Holstein-Friesian Breeders Association, Inc.
Minnesota Grange Council
Minnesota Pork Producers Association
Minnesota State Cattlemen's Association
Minnesota Turkey Growers Association
Northwest Agri-Dealers Association

MISSISSIPPI:

Mississippi Cattlemen's Association
Mississippi Holstein-Friesian Association, Inc.
Mississippi Livestock

MISSOURI:

Missouri Cattlemen's Association
Missouri Holstein-Friesian Association, Inc.
Missouri Pork Producers Association
Missouri State Grange

MONTANA:

Montana Cattle Feeders Association
Montana Pork Producers Council
Montana State Holstein-Friesian Association, Inc.
Montana Stockgrowers Association

NEBRASKA:

Nebraska Cattlemen
Nebraska Egg Council
Nebraska Holstein-Friesian Association, Inc.
Nebraska Pork Council Women
Nebraska Pork Producers Association
Nebraska State Grange

NEVADA:

Nevada Cattlemen's Association
Nevada Holstein Association

NEW HAMPSHIRE:

New Hampshire Holstein Friesian Association, Inc.
New Hampshire Pork Producers Council
New Hampshire Poultry Association
New Hampshire State Grange

NEW JERSEY:

New Jersey Holstein-Friesian Association, Inc.
New Jersey Livestock Cooperative Association, Inc.
New Jersey State Grange

NEW MEXICO:

New Mexico Cattle Growers Association
New Mexico Holstein-Friesian Association, Inc.

NEW YORK:

Eastern Federation of Feed Merchants
New York Beef Cattlemen's Association
New York Holstein-Friesian Association, Inc.
New York Pork Producers Corporation, Inc.
New York State Grange

NORTH CAROLINA:

North Carolina Cattlemen's Association
North Carolina Farm Bureau Federation
North Carolina Holstein-Friesian Association
North Carolina State Grange
North Carolina Pork Producers Association
North Carolina Poultry Federation

NORTH DAKOTA:

North Dakota Grain & Feed Association
North Dakota Holstein Association
North Dakota Pork Producers Council
North Dakota Stockmen's Association

OHIO:

Ohio Cattlemen's Association
Ohio Holstein-Friesian Association
Ohio Pork Producers Council
Ohio Poultry Association
Ohio State Grange
Ohio Veal Association

OKLAHOMA:

Oklahoma Cattlemen's Association
Oklahoma Grain & Feed Association
Oklahoma Holstein Breeders Association
Oklahoma Pork Council
Oklahoma State Grange

OREGON:

Oregon Cattlemen's Association
Oregon Pork Producers Council
Oregon State Grange
Oregon State Holstein Association

PENNSYLVANIA:

Pennsylvania Cattlemen's Association
PennAg Industries Association
Pennsylvania Holstein Association
Pennsylvania State Grange

PUERTO RICO:

Holstein Association of Puerto Rico

RHODE ISLAND:

Rhode Island Holstein Association
Rhode Island Poultry Association
Rhode Island State Grange

SOUTH CAROLINA:

South Carolina Cattlemen's Association
South Carolina Holstein-Friesian Association, Inc.
South Carolina State Grange

SOUTH DAKOTA:

South Dakota Cattlemen's Association
South Dakota Grange Council
South Dakota Holstein Breeders Association, Inc.
South Dakota Pork Producers Council
South Dakota Stockgrowers Association

TENNESSEE:

Tennessee Cattlemen's Association
Tennessee Holstein Association, Inc.
Tennessee Livestock Producers Association
Tennessee Pork Producers Association
Tennessee State Grange

TEXAS:

Texas Cattle Feeders Association
Holstein-Friesian Association of Texas
Texas Livestock Marketing Association
Texas Pork Producers Association
Texas & Southwestern Cattle Raisers Association
Texas State Grange

UTAH:

Utah Cattlemen's Association
Utah Holstein Association

VERMONT:

Vermont Holstein-Friesian Association
Vermont Poultry Association
Vermont State Grange

VIRGINIA:

Virginia Cattlemen's Association
Virginia Grange Council
Virginia Holstein Association, Inc.
Virginia Pork Industry Association
Virginia Poultry Federation

WASHINGTON:

Washington Cattle Feeders Association
Washington Cattlemen's Association
Washington State Grange
Washington State Holstein Association, Inc.

WEST VIRGINIA:

West Virginia Cattlemen's Association
West Virginia Holstein Association, Inc.
West Virginia State Grange

WISCONSIN:

Wisconsin Cattlemen's Association
Wisconsin Feed, Seed & Farm Supply Association
Wisconsin Grain Dealers Association
Wisconsin Holstein Association, Inc.
Wisconsin Pork Producers Association
Wisconsin State Grange
Wisconsin Veal Association
Wisconsin Women For Agriculture

WYOMING:

Wyoming Stock Growers Association
Wyoming Holstein Association
Wyoming State Grange



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Alcohol Drug Abuse, and Mental
Health Administration
National Institute on Drug Abuse
Addiction Research Center
P.O. Box 5180
Baltimore MD 21224

October 19, 1989

The Honorable Charles W. Stenholm
US House of Representatives
ATTN: Health Advisor
Longworth House Office Bldg.
Room 1226
Washington, D.C. 20515

Dear Representative Stenholm:

I am delighted that you have introduced bill HR 3270 regarding animal research. Your efforts will undoubtedly help medical research and the development of various new forms of treatment in the long run.

Congratulations again.

Sincerely yours,

A handwritten signature in cursive ink, appearing to read "MKuhar".

Michael J. Kuhar, Ph.D.
Chief, Neuroscience Branch



NATIONAL LIVE STOCK PRODUCERS ASSOCIATION

4851 Independence Street • Suite 200 • Wheatridge CO 80033 • 303-423-4792

August 2, 1989

The Honorable Charles W. Stenholm
 Chairman, Livestock, Dairy, and Poultry Committee
 1226 LHOB
 Washington, D.C. 20515-4317

Attn: Stan Ray

Dear Representative Stenholm,

The National Live Stock Producers Association is a federated livestock marketing cooperative encompassing 12 regional marketing agencies and 4 credit corporations. Being a cooperative, we are in a position to represent our patron's views and concerns.

Therefore, with the current increase of destructive activities by some animal rights groups aimed at livestock producers, livestock markets, and research facilities, we are in full support of introduction of legislation to protect these entities. Making it a federal crime to harm or disrupt farming, ranching or agricultural research should enable federal law enforcement agencies to deal with these groups more effectively.

National Live Stock Producers is encouraged by your interest in dealing with this most important issue and fully supports the passage of this legislation in the 101st congress.

Sincerely,

A handwritten signature in black ink that reads "Harold E. Lein".

Harold E. Lein
 Executive Vice President
 and General Manager, NLSA

Producers Livestock
 Marketing Assn.
 509 Livestock Exchange Bldg.

Producers Livestock
 Marketing Assn.
 P.O. Box 247

Grain



& Feed Association

OF ILLINOIS

BILL LEMON, CAE
Executive Vice-President

3521 HOLLIS DRIVE • SPRINGFIELD, ILLINOIS 62707 • PHONE 217/787-2417

September 12, 1989

The Honorable Charles Stenholm
U. S. House of Representatives
1226 Longworth House Office Building
Washington D.C. 20515

Dear Rep. Stenholm:

On behalf of the Grain and Feed Association of Illinois, an agri-business trade association representing over 750 member companies, we commend your intentions to introduce legislation that will protect farms, ranches, and animal research facilities from violence.

The time has come for legislation to make it a federal crime for destruction to such facilities. Your introduction of the Farm And Animal Facility Protection Act of 1989 will make great strides in establishing controls for radical segments of our society that believe the current treatment of animals is inhumane. By introduction of this legislation, we believe a very strong and timely message will be delivered to these people to deter future violence against employees, animals and invaluable research facilities.

The Grain and Feed Association of Illinois will work with you and your staff in any way possible to ensure passage of this legislation.

Sincerely,

William R. Lemon

William R. Lemon
Executive Vice President, CAE

UNIVERSITY OF CALIFORNIA, SAN FRANCISCO

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO

SANTA BARBARA • SANTA CRUZ



INFECTIOUS DISEASE DIVISION
BOX 0654, ROOM C-443
415-476-9362

SAN FRANCISCO, CALIFORNIA 94143-0654

Monday, October 30, 1989

Congressman Charles Stenholm
1126 Longworth House Office Bldg.
Washington, DC 20515-4317

Dear Representative Stenholm:

I wish to indicate my strongest support for three pieces of legislation--HR 3349, S 727, and your HR 3270--that seek to protect facilities doing responsible research with animals. As an investigator funded by the NIH to pursue research that seeks to alleviate disease to humans and animals both, I am encouraged that our elected officials recognize the importance of these issues to society.

Sincerely

A handwritten signature in cursive ink that reads "Richard M. Locksley, M.D."

Richard M. Locksley, M.D.
Associate Professor of Medicine
Chief, Infectious Disease Division

RML/j



NEW MEXICO FARM AND LIVESTOCK BUREAU

421 North Water Street • Las Cruces, New Mexico 88001 • (505) 526-5521 • FAX (505) 525-0858

August 25, 1989

Honorable Charles W. Stenholm
1226 Longworth House Office Building
Washington, D. C. 20515

Dear Congressman Stenholm:

The New Mexico Farm and Livestock Bureau commends you for your intention to introduce the Farm Animal and Research Facilities Protection Act of 1989. The legislation, which makes it a federal crime to break into farms, ranches and research facilities, is much needed to help provide protection for our nation's farmers and research institutions.

Unfortunately, vandalism and destruction of property on farms, ranches and research facilities tied with the use of state boundaries has made this a necessary federal law. These acts of violence not only violate private property rights and endanger lives but also threaten our nation's food supply and development of scientific information.

We commend you for your intentions to introduce this legislation and hope we can work with you to get this important piece of legislation approved during the 101st Congress.

Sincerely,

William E. McIlhaney
President

cc: John C. Datt



United Egg Producers

UEP Officers

John Ricca, Chairman
 Al Pope, President
 Dan Gardner, First Vice Chairman
 Ed Houston, Second Vice Chairman
 Reid Merrill, Secretary
 Joe Arias, Treasurer

UEP Board of Directors

Southern UEP

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 Wilbur Ivey
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 Lumber City, GA

Midwest UEP

*Chris Dixon
 Germantown, IL
 *Dan Gardner
 Wakefield, NE
 Joe Maust, Jr.
 Pigeon, MI
 Jim Rich
 Kalona, IA
 Doug Hoffer
 Warsaw, IN

Northeast UEP

Kurt Kreher
 Clarence, NY
 John Ricca
 Westminster, MA
 Andy Wadsworth
 Wolcott, NY 14590

Northwest Egg Producers

*Reid Merrill
 Eagle, ID
 Chuck Dynes
 Burlington, WA

West Coast UEP

*Joe Arias
 Turlock, CA
 Charles Campbell
 El Cajon, CA
 Willard Maust
 Rancho Cucamonga, CA

UEP Staff Georgia Office

Al Pope
 President and General Manager
 Ken Klippen
 Vice President
 Irving Isaacson, Esq.
 Legal Counsel
 Michael McLeod, Esq.
 Washington Counsel

Washington Office

Wayne Watkinson
 Director
 Government Relations
 Christine Nelson
 Coordinator
 Cathy McCahren
 Vice President
 Egg Nutrition Center

UEP Members

Southern UEP
 P. O. Box 957253
 Duluth, Georgia 30136
 Dave Reesman, G. M.
 (404) 476-2771

**The Honorable Charles Stenholm
 U.S. House of Representatives
 Washington, D.C. 20515**

July 31, 1989

Dear Congressman Stenholm:

UEP strongly supports your efforts to introduce legislation that would protect farms, ranches and research facilities from break-ins, vandalism and violence perpetrated by some animal rights advocates.

As you are undoubtedly aware, these types of activities have increased substantially in recent years, causing serious problems for farmers and research facilities. The members of UEP deplore these violent and unlawful actions and are hopeful that something can be done at the federal level to deter and penalize those that commit such acts. For these reasons, we are very much in support of your proposal to introduce legislation which would make such actions a federal crime.

In recognition of the need for the agricultural community to respond to animal rights activities, UEP has been active in the Farm Animal Welfare Coalition established to address this matter. In addition, UEP has an Animal Welfare Committee that seeks to stay abreast of these activities, as well as to develop and promote good husbandry practices for our members.

**Washington Office
 2501 M Street, N.W., Washington, D.C. 20037 / (202) 833-3123**

**UEP Headquarters
 3951 Snapfinger Parkway, Suite 580, Decatur, Georgia 30035 / (404) 288-6700**

Northeast UEP
 P. O. Box 650
 Durham, NH 03824
 Chris Bushway, G.M.
 (603) 860-2824

Northwest Egg Producers
 P. O. Box 1038
 Olympia, WA 98507
 Bill Walkinshaw, G.M.
 (206) 754-4401

Midwest UEP
 Box 170
 Eldridge, IA 52748
 Gerald Weber, G.M.
 (319) 285-9100

West Coast UEP
 Bldg. 12, Suite J
 9581 Business Center Drive
 Rancho Cucamonga, CA 91730
 Bill Jasper, G.M.
 (714) 980-5114

*Member of Executive Committee

The Honorable Charles Stenholm
July 31, 1989
Page 2

However, industry efforts alone are not enough to prevent this movement from committing illegal and violent acts. We firmly believe federal intervention is necessary to protect farmers and researchers alike.

Again, we wish to encourage you to introduce farm animal and research facility legislation and pledge our support for your efforts.

Sincerely,

Mike McLeod
Michael R. McLeod
Counsel

Christine V. Nelson
Christine V. Nelson
Government Relations

MRM:CVN/mtw



**North Carolina State University
College of Veterinary Medicine**

4700 Hillsborough Street
at William Moore Drive
Raleigh, North Carolina 27606
Phone: 919-829-4200

May 23, 1990

The Honorable Walter B. Jones
U. S. House of Representatives
Washington, D. C. 20515

Dear Representative Jones:

As the laboratory animal veterinarian for the College of Veterinary Medicine at North Carolina State University I am writing to thank you for your co-sponsorship of H.R. 3270, The Farm Animal and Research Facilities Protection Act of 1989. This legislation was introduced by Representative Charles W. Stenholm on September 13 and now has over 160 co-sponsors including Agriculture Chairman Kika de la Garza and ranking minority member Edward R. Madigan.

Virtually all veterinary medical advances to benefit animal health have required animal research. A few examples of these advances are vaccines against numerous animal diseases including distemper in dogs, leukemia in cats, and sleeping sickness in horses; advanced therapy for cancer in animals; effective treatments for parasites in animals; and bone grafts and implants for fracture repair.

In recent years extremists in the animal rights movement in the United States have increasingly used illegal and terrorist means in their efforts to end all research involving animals. Extremists break into labs, steal animals and destroy data, equipment and records. By making such criminal acts federal offenses, H.R. 3270 would bring federal investigative and enforcement capabilities to bear against acts of research sabotage that threaten our nation's health.

This legislation will not inhibit public criticism responsibly lodged through lawful channels, but will deter those who break the law in the name of animal rights. Therefore, please join leading members of the Agriculture Committee in protecting essential research and the laboratory animals which it requires.

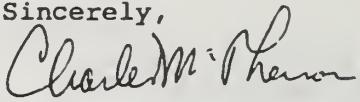
Page 2
Representative Walter B. Jones
May 23, 1990

Please do not confuse Mr. Stenholm's bill with H.R. 3223, another bill with a similar title. H.R. 3223 does not protect research, but will actually encourage and reward criminal acts. It does not deserve your support.

I would be pleased to assist you or your staff should you have any questions. Please contact me if you wish additional information

Thank you for your consideration.

Sincerely,



Charles W. McPherson, DVM
Director, Animal Resources

CWMcP:nw

cc: The Honorable Kika de la Garza, Chairman
The Honorable Edward R. Madigan
The Honorable Charles W. Stenholm
House Agriculture Committee

*The University of Texas at Arlington
 The University of Texas at Austin
 The University of Texas at Dallas
 The University of Texas at El Paso
 The University of Texas of the Permian Basin
 The University of Texas at San Antonio
 The University of Texas at Tyler*



*The University of Texas Southwestern Medical Center of Dallas
 The University of Texas Medical Branch of Galveston
 The University of Texas Health Science Center at Houston
 The University of Texas M. D. Anderson Cancer Center
 The University of Texas Health Science Center at San Antonio
 The University of Texas Health Center at Tyler
 The University of Texas Institute of Texan Cultures at San Antonio*

THE UNIVERSITY OF TEXAS SYSTEM

601 COLORADO STREET AUSTIN, TEXAS 78701

April 20, 1989

Office of the Chancellor

The Hon. Charles Stenholm
 Chairman, Subcommittee on Livestock,
 Dairy & Poultry
 House Agriculture Committee
 US House of Representatives
 1226 Longworth House Office Building
 Washington, DC 20515

Dear Mr. Chairman:

As you know, acts of vandalism, theft and violence directed at research facilities using animals are increasing all over the country.

Laboratory animals should be utilized only when necessary and must be well cared for and respected for humane as well as scientific reasons. University laboratories are regulated by internal review mechanisms as well as federal laws and regulations. However, a handful of extremists believe that no animal research should be permitted and that any means--including violence--are acceptable in achieving their goal.

These actions not only violate property rights, but jeopardize crucial scientific, medical and agricultural research. In many instances, federally-funded research is set back or even destroyed when labs are vandalized or animals stolen.

Local law enforcement efforts have been hampered by the fact that many of the attacks are part of a national movement. The most recent example occurred April 3 at the University of Arizona, where a national underground organization, the Animal Liberation Front, claimed responsibility for the theft of hundreds of animals and the firebombing of two buildings.

Unfortunately, it is not a federal offense to commit such crimes against research facilities that do not receive federal funding. This is a serious handicap to the ability of local, state, and federal law enforcement officials to cooperate in the apprehension of these animal liberation terrorists.

April 20, 1989
The Hon. Charles Stenholm
Page Two

We believe that legislation making it a federal felony to commit crimes such as theft or vandalism against all U.S. research facilities is long overdue. We hope that you will consider proposing such legislation. We would give it our whole-hearted support. Thank you very much for your consideration.

With Best Wishes,

Hans Mark

Hans Mark, Chancellor
The University of Texas System

Perry Adisson

Perry Adisson, Chancellor
Texas A&M University System

rjs

PUTTING PEOPLE FIRST

4401 Connecticut Avenue, N.W., Suite 310-A, Washington, D. C. 20008

202/364-7277

TESTIMONY
SUBMITTED BY
PUTTING PEOPLE FIRST
IN SUPPORT OF H.R. 3270

BEFORE THE SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
RESEARCH, AND FOREIGN AGRICULTURE
OF THE COMMITTEE ON AGRICULTURE
U.S. HOUSE OF REPRESENTATIVES

JULY 17, 1990

Putting People First submits this testimony in support of H.R. 3270, the "Farm Animal and Research Facilities Protection Act of 1989," and respectfully urges this Subcommittee to report it without amendments to the full Committee on Agriculture. The United States Senate already has passed similar legislation in the form of S. 727, the "Animal Research Facilities Protection Act of 1989." Putting People First supports H.R. 3270 over S. 727 because H.R. 3270 provides stronger protection to a broader range of industries that the American people need.

Putting People First is a nationwide group of concerned citizens from all walks of life who object to being intimidated by so-called "animal rights" activists. Our organization does not represent any one industry or special interest. We represent the average American who eats meat and drinks milk, benefits from medical research, wears leather, wool and fur, hunts and fishes, owns a pet, and goes to zoos.

As consumers, we are appalled that scientists and businesses using animals for research, food, entertainment, and clothing are being harassed, their goods are being destroyed, their stores are being vandalized by pro-animal protesters, and their customers -- our members -- are being intimidated. We support H.R. 3270 as a step to providing federal protection against animal extremist groups which, during the last decade, have increasingly used fear, violence, and crimes against property to coerce the American people into accepting a lifestyle that has been adopted willingly by only a very small minority.

Pro-animal extremists have claimed responsibility for more than \$10 million in arson damages to medical research laboratories all over the United States, and animal radicals have employed similar nationwide tactics against agricultural products at both the production and retail levels. Alex Pacheco, a founder of one of the largest animal extremist groups, People for the Ethical Treatment of Animals (PETA), has proclaimed that arson, property destruction, burglary, and theft are "acceptable crimes" when used for the animals' cause. (*Charleston, West Virginia Gazette Mail*, January 15, 1989). Despite the overtly illegal nature of this nationwide terrorist activity, little has been done at the federal level to combat it.

As an example of the perverted values of the animal radicals, and the urgent need for the national legislation embodied in H.R. 3270, Stanford University received bomb threats by the Animal Liberation Front (ALF) after it announced the successful infection of research mice with the AIDS virus and its belief that the research would speed the development of an AIDS vaccine. (*New York Times*, January 14, 1989) Similarly, PETA's position is that even if animal tests produced a cure for AIDS, "We'd be against it." (*Vogue*, September, 1989). So the animal extremists destroy medical laboratories and raid farms and ranches, "for the animals' sake," while human beings die of preventable disease or go ill-clothed and hungry.

I. Medical Research.

Medical research has been the object of antivivisectionist terrorism for many years, and Putting People First commends the Senate for passing legislation to provide stronger penalties for break-ins at medical research facilities, an expanded version of which is incorporated in H.R. 3270. Regrettably, the attitude of animal extremists toward research with animals is all-out war, with no prisoners. Another founder of PETA, Ingrid Newkirk, has said of such medical research, "It's immoral even if it's essential." (*Washington Post*, May 30, 1989). Using excessive language, animal radicals have described research labs as "concentration camps for animals" and "fascism," terms that debase the true evils perpetrated against the Jewish people by Nazi Germany, the only modern nation to actually ban medical experiments with animals.

Knowing that polls show the overwhelming majority of the American people favor the use of medical research with animals under reasonable conditions, the animal radicals repeatedly have taken the law into their own hands. In midnight raids conducted at research centers all over the United States, organizations such as ALF have firebombed facilities, stolen the research data and personal effects of researchers, and "liberated" research animals, some of which then were released into the wilds with communicable diseases.

-3-

Robert and MaryAnn Wagner, members of Putting People First from Kent, Washington, wrote recently of the personal impact of the medical research that would be protected by H.R. 3270:

Our family recently lost one loved one to the ravages of diabetes and our insulin-dependent, 37-year-old son already shows related health problems that are so very close to being solved by animal researchers. NO WAY could a pancreas transplant have been recently achieved without animal experimentation! And there is little prospect that our mother, a victim of Alzheimer's, can get any better -- nor can any progress be made in the myriad other kinds of mental illnesses that are just beginning to be explored -- IF our medical researchers are plagued and persecuted.

As a consumer group, and as the beneficiaries of medical research, the members of Putting People First are angry that medical progress is being tragically delayed, and that the costs of medicines and procedures derived from research are being made far more expensive. We feel it is outrageous that secret groups such as ALF -- which actually has been named a "terrorist organization" by the Federal Bureau of Investigation -- can perpetrate their crimes with little fear of reprisal. H.R. 3270 will help stop this.

II. Agricultural Facilities.

Medical research facilities are not the only objects of the animal radicals' violence. Tom Regan, one of the intellectual gurus of the animal "rights" movement, has proclaimed, "The ultimate objective of the [animal] rights view is the total dissolution of the animal industry as we know it." (Pringle, *The Animal Rights Controversy*). Victims of the burglary and violence perpetrated by these groups include many ranches and farms, where animals are managed for food, clothing, and entertainment such as rodeos and circuses.

Elizabeth Murray, of Cedar Rapids, Iowa, wrote us recently to emphasize the need to protect these small businesses, too:

The need for this bill [H.R. 3270], as opposed to S. 727, the "Animal Research Facilities Protection Act" is clear. Yes, research facilities provide vital human services and need to be protected. However, livestock producers, dairy and fur farmers, and ranchers, many more in number, are small operators who work hard to feed and clothe the world. Lack of similar protection, as would be the case with S. 727, could serve to cripple the bread-basket of the world. By covering only research centers the extremists' tactics would be shifted to these individual producers.

But as a PETA representative has sneered, "So what if we put a few businesses under?" (Charleston, West Virginia *Gazette Mail*, January 15, 1989).

The range of Americans who would be favorably affected by the agricultural protection of H.R. 3270 is very wide. Robert A. Barrett, a Putting People First member from Yaphank, New York, has described some of them:

Some of these Animalites openly say that they are out to destroy the livestock industry -- they would enforce a vegetarian diet on all of us. Their pressure has caused zoos to stop giving children elephant rides, for it is presumed to be oppression of the elephant. Well known is their harassment of women wearing fur coats and their vandalism of furriers' shops and fur ranches. Less well known is their opposition to the wearing of wool and silk.

Although animals have been used as food since the dawn of time by humans and other animals alike, the animal organizations would change all that. As ALF has sloganized, "Meat is Murder." Ingrid Newkirk has opined that meat-eaters, probably including most of the members of this Subcommittee, are "primitive, barbaric, and arrogant." (*Washington City Paper*, February 1985). And opposition to animals as food goes beyond beef, chicken or fish. PETA even opposes the use of honey, "because bees die in the process of gathering it." (*Marin Independent Journal*, June 25, 1989).

Animal extremist hostility to agriculture extends to clothing, too. Animal groups have editorialized against leather, wool, fur, down (because it is painful when feathers are plucked from geese), and silk (because silkworms are steamed during production).

Even circuses, rodeos, aquariums, and zoos, time-honored traditions of America, have felt the brunt of animal extremist demonstrations and raids. Now on the hit list for extinction along with ranches and farms, these small businesses have brought joy and education to millions of children and adults alike. But they would be no more, if radicals like Peter Hamilton of Lifeforce Foundation has his way. "The existing prisons should be shut down and rehabilitation centers created in order to release the prisoners back into the reserves -- to give them back their freedom." (*Animals' Agenda*, Sept./Oct. 1988).

Coercion against the use of animals in agriculture would affect nearly every aspect of rural America. Not only would ranches and farms which manage animals be shut down, but farms which provide feed grains also would be put out of business.

Just as with medical research, the animal extremists can read the polls which show that the American public does not support shutting down virtually the entire agricultural community on account of some minority philosophic theory. Consequently, animal radicals have begun expanding their program of violence and theft to ranches, farms and other agricultural businesses. That is why Putting People First, which represents the consumers of these agricultural products, supports the approach taken in H.R. 3270 to expand federal protections against animal terror-

ist groups to include agriculture.

As consumers, our need for food and clothing is just as acute as our need for proper medical care. From our standpoint, it makes little difference whether animal violence is directed toward medical research facilities or the agricultural community -- the end result in either case is the loss of something we need, or increased consumer prices. Therefore we support H.R. 3270 over S. 727 because the House bill addresses more of the needs and interests of all Americans.

III. Penalties.

Putting People First supports H.R. 3270 over the Senate bill because the penalties in the House legislation are stronger and more likely to deter the violence which is becoming all too commonplace in America.

In the House bill, penalties for vandalism and theft range up to \$10,000 and three years in jail, as opposed to a maximum of \$5,000 and one year in the Senate bill. H.R. 3270 also prohibits unauthorized demonstrations on private property, with penalties up to one year and \$1,000. S. 727 says nothing about illegal demonstrations, which can be particularly disruptive to ranches and farms where animals can be badly spooked by loud, raucous rallies.

It will take more than a mere slap on the wrist to deter the animal radicals. We fear that even these penalties will not stop the ringleaders of the movement, but perhaps they will deter their followers.

Putting People First is particularly offended at the cavalier attitude that the animal extremists have toward the law. For example, Bill Mannetti, founder of the Animal Rights Front (ARF) has said, "If you feel the law is a bad law. . . . the ethical thing to do is break it." (Waterbury, Connecticut *Republican*, November 22, 1987). Or as Roberta White of Voice for Animals has proclaimed, "I don't like arson [but] as long as no human or animal was harmed, I can't indict them." (*Animals Agenda*, July/August 1989).

Animal radicals must be made to understand that America is a nation of laws, and that there are accepted ways of changing our laws which do not include burglary, arson, theft, and violence. By passing the stronger H.R. 3270 without amendment, this Subcommittee will send a clear message to both the lawbreakers and the American people. But softer penalties, such as those in the Senate bill, will send just the opposite message and not provide the needed deterrent to this illegal and illicit activity.

Laurie L. Anderson, an attorney from Edina, Minnesota, has expressed the views of all members of Putting People First on the question of penalties:

I grew up on a family farm and know of the investment and work involved in raising animals. Although I support responsible farming and research techniques, I believe that crimes against people and property must be accompanied with the proper penalties. Therefore, the stiffer penalties encompassed in H.R. 3270 are necessary.

IV. Conclusion.

PETA's Ingrid Newkirk believes that "Humans have grown like a cancer. We're the biggest blight on the face of the earth." (*Readers Digest*, June, 1990). Putting People First disagrees. We believe that human beings are good, and we believe that public policy choices should be made through the legislative process, such as we have at today's Subcommittee hearing, rather than through vigilante groups taking the laws into their own hands.

No ethical person would disagree that mankind must treat all living creatures humanely. In most instances, humans and animals can coexist without any conflict of interest. But from time to time the interests of animals and those of mankind may cross. In the cases of conflict between man and animal, Putting People First believes that the interests of people must take precedence over those of animals.

H.R. 3270 contributes to the process of "putting people first," and makes a strong statement that this Congress will not accept the substitution of violence for reasoned debate in setting policy. We respect the views of others, and support their right to hold those views. But animal extremists would impose their own ideology on everybody, without exception, and suppress any values that don't match their own. Our views are equally defensible, and reflect the opinions of the overwhelming majority of the American people. Putting People First enthusiastically endorses H.R. 3270, the Farm Animal and Research Facilities Protection Act of 1989, and urges this Subcommittee to report it to the House Committee on Agriculture without amendment and without delay.

Respectfully submitted,
PUTTING PEOPLE FIRST

Kathleen Marquardt, Chairman



August 3, 1989

The Honorable Charlie Stenholm, Chairman
Subcommittee on Livestock, Dairy and Poultry
House Committee on Agriculture
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

This letter comes to thank you for your excellent efforts in developing legislation to protect U.S. farms, ranches, food processing facilities and research facilities from break-ins and other illegal acts. Like you, we are alarmed at the number of break-ins, the destruction caused, and the important research lost by these wanton acts. If this trend is allowed to continue unchallenged not only will all agriculture suffer, but so to will advancements in basic human health research.

Your work in developing the Farm Animal Facilities Protection Act is critical to ending such acts. We look forward to working with you as this bill works its way through the legislative process.

Again the American meat Institute thanks you for your leadership and interest in developing this important legislation.

Sincerely,


C. Manly Molpus
President

(Attachment follows:)

AMERICAN MEAT INSTITUTE

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Cumberland Gap Provision Co.

John G. McKenzie
John McKenzie Packing Co., Inc.

James W. McVey
Oscar Mayer Foods Corp.

James Mitchell
Hyplains Dressed Beef, Inc.

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Erhard Oppenheimer
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Wright Brand Foods, Inc.

* As of January 1989



International Association of Fairs and Expositions

May 4, 1990

Honorable Charles W. Stinholm
1226 Longworth Building
Washington, D.C. 20515

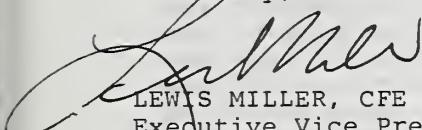
Dear Congressman:

I am writing you this letter to confirm on behalf of the International Association of Fairs and Expositions the message conveyed to you by Tony McMillan of the West Texas Fair of Abilene. Our Association, which is celebrating its 100th Anniversary Annual Convention this year, has 2300 members in the United States as well as many members in Canada.

I hope to confirm, by this letter, that House Resolution 3270 is intended to cover the fair industry. We are already beginning to experience problems as we swing into the summer fair season for 1990. Fair managers and officials across the country are beginning to receive threats from animal rights organizations. The fair industry is a last frontier of agriculture and the showcase of the community it represents. Fairs have made possible many advancements of American agriculture. The activities of this radical few should not be allowed to interrupt that contribution.

The International Association of Fairs and Expositions salutes your foresight and initiative in introducing this necessary legislation. We would like to work with you and your staff in any way to expedite passage of the Bill.

Sincerely,


LEWIS MILLER, CFE
Executive Vice President
and General Manager

LM/vjr

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P.O. Box 985 • Springfield, Missouri 65801 • (417) 862-5771
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U.S. Department of Justice



Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 25 1990

The Honorable George E. Brown, Jr.
Chairman, Subcommittee on Department Operations
Research, and Foreign Agriculture
Committee on Agriculture
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your March 5, 1990 letter to Deputy Assistant Attorney General Paul L. Maloney. In your letter you thanked Mr. Maloney for his testimony on February 28, 1990, on the issues raised by animal research facility break-ins, and posed a number of follow-up questions.

At the outset we wish to emphasize the Department's condemnation of the criminal activity at issue. The kinds of offenses that are being perpetrated by these individuals are not only destructive to the research effort, but they are dangerous to human life and extremely destructive to property. The Department's reluctance to agree to new, special criminal sanctions to curb this activity is in no way to be construed as a belief that this criminal activity is not serious or deserving of a harsh response. The Department completely supports strict enforcement of the law against these individuals, and would support changes in existing law to remedy problems in valuing damage to destroyed or delayed research in federal criminal law. Some preliminary efforts have been made in this direction among the concerned agencies, and the Department believes that this is a promising approach.

You ask for the Department's response to a statement to the effect that a new federal law would strengthen the hand of the Federal Bureau of Investigation in entering cases that now are chiefly dealt with at the local level. The Department continues to believe that new federal law is not necessary, as we testified on February 28, 1990. The Federal Bureau of Investigation has never, to our knowledge, had to refrain from entering a laboratory facility case because there was no statutory basis for its involvement. It may decline to investigate a case because it believes that the case will not meet the prosecutive guidelines of the local United States Attorney, but this has nothing to do with the adequacy of the applicable federal law. We note that no panelist identified a single instance in which the Federal Bureau of Investigation declined to enter a case because there was no statutory basis for it to do so. We believe that adequate federal

- 2 -

criminal jurisdiction already exists to investigate violations appropriate for a federal response.

You ask the Department to identify the criteria which must be met before the Federal Bureau of Investigation investigates a case. As you know, when the Bureau has evidence of a federal violation within its investigative jurisdiction, it approaches the local United States Attorney and discusses the case with the prosecutor. The prosecutor then decides whether further investigation should be authorized. Prosecutive policies vary from district to district, but they always account for factors such as the likelihood of identifying the perpetrator, the strength of the evidence that an offense was committed and that an identifiable defendant did it, the amount of damage that was done, and whether the case has sufficient jury appeal to make a conviction likely. Such prosecutive decisions are also influenced by the belief that criminal acts do not necessarily need to be prosecuted in federal court to be effectively prosecuted, and that in many cases, the offender can be punished more severely under applicable state law than under federal law. State prosecutive authorities have had considerable experience and success in prosecuting the serious common law felonies, and the Department believes that they would be similarly successful in appropriate cases of this type. We are somewhat puzzled by the statement of the Assistant Chief of Police at the University of Arizona that "federal help was extremely limited" at the University of California at Davis arson. This case is currently being investigated by the Bureau; we do not understand why it is said that federal help was extremely limited.

You ask whether there have ever been situations where a United States Attorney's prosecutorial decision not to involve the Federal Bureau of Investigation has been overridden, and you ask the Department to identify specific instances. We must respectfully decline to answer this question with the specificity you are requesting. There have been a very few instances in which the Department has asked a United States Attorney to reconsider a decision to decline a case, but these have been such singular events that we do not believe that the handling of those cases would provide any guidance in resolving the problems at hand.

You ask how the Federal Bureau of Investigation might follow up on a case where the United States Attorney had declined to go forward. The Bureau would not normally follow up on such cases. The decision that the case is not sufficiently important to warrant federal treatment normally concludes all federal involvement in it. In the occasional case in which subsequent investigative developments warrant a second review by the United States Attorney, that of course can be done.

You ask for the Department's response to the view of the panelists that there is a need to "increase the ability to apprehend suspects by increasing the tools of apprehension." Four

- 3 -

recommendations were made in this area. To be sure, more resources generally buy a higher level of law enforcement success. But whether being pursued federally or locally, burglary-type offenses have always had a comparatively low rate of solution. (The difficulties in apprehending perpetrators are alluded to by some of the panelists.) For this reason, we believe that the increase in resources that would be needed to solve more of these offenses is likely to be unacceptably high. With respect to the four recommendations, our views are as follows:

First, a centralized data bank accessible to both public and private security forces is suggested. The Department does not see what this would accomplish. The Public Health Service has collected some statistics, albeit unofficially, and the Bureau has begun to collect some statistics. There are substantial difficulties with having a data bank that is shared by law enforcement and private police forces. Much of the data collected by official law enforcement sources must be kept confidential to be useful; other data must be kept confidential by law.

Second, the use of this data to develop patterns modeled after the FBI's bomb tracking system is suggested. Again, we do not believe this is necessary. Further, we do not see where the line might be drawn between trivial and more serious break-ins. While some bomb-related activities are more dangerous than others, bombs are inherently dangerous and bombs and bomb threats are always serious; by contrast, research facility break-ins, though certainly a cause for concern, are simply not in the same category of dangerousness and should not reflexively receive the same sort of treatment. Also, we note that one panelist proposed that a computerized data bank be created to "monitor the activities of groups involved in these break-ins." The Bureau's criminal investigative and counterterrorism mission is two-fold: first, to detect and prevent violations of law, and second, to apprehend for prosecution those who do violate the law. The Bureau does not monitor the activities of groups for the purpose of policing conduct, and it could not do so without violating constitutionally protected rights.

Third, a commitment by the FBI to monitor all animal facility break-in activity and to provide expertise which is lacking on the local level is suggested. Again, we do not think that the panelists have demonstrated a real need for this sort of monitoring by the FBI nor is it appropriate for the FBI to monitor every local violation. Moreover, the FBI already provides the assistance of its forensic laboratories to local law enforcement agencies which request it. In addition, the FBI will be including information concerning this kind of "special interest" terrorism in its forthcoming Terrorism in the United States. This publication is distributed to about 12,000 State and local law enforcement agencies and will be a vivid demonstration of the importance we attach to animal research facility-related crime.

- 4 -

Fourth, broader state and local subpoena power is suggested. This is a matter for the state legislatures, not for federal legislation. States can enter into compacts to honor each others' subpoenas to a greater degree if they wish.

Finally, you ask what criteria would have to be present in legislation to force involvement of both the Department of Justice and the Federal Bureau of Investigation in crimes of a less egregious nature. We believe that such legislation is unnecessary because the Department and the Federal Bureau of Investigation share the view of Congress that appropriate offenses against research facilities can and should be prosecuted federally. Such legislation would also be inappropriate because the decision to investigate and prosecute offenses is constitutionally committed under our system to the executive branch. United States v. Nixon, 418 U.S. 683, 693 (1974).

At the oversight hearings, Congressmen Gunderson and Volkmer posed questions about state law and data collection which the Department agreed to research. The research into these points is now being conducted and we hope to be able to respond to these questions soon. As we mentioned above, the Department is giving consideration to the particular problems posed in valuing research animals or half-completed research, with an eye toward making it easier to fairly appraise the loss of such material for purposes of federal criminal law.

In conclusion, Mr. Chairman, we want to thank you for raising these important issues in your subcommittee. Your hearings have been instrumental in increasing the public's awareness of the offenses that are being committed by dangerously misguided persons and organizations against those conducting research that is essential to the health and welfare of the Nation. We at the Department of Justice stand ready to assist in this critical effort.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,



Bruce C. Navarro

Acting Assistant Attorney General



**UNIVERSITY OF FLORIDA
COLLEGE OF MEDICINE**

May 22, 1990

Allen H. Neims, M.D., Ph.D.

Dean and Associate
Vice President for Clinical Affairs

Warren E. Ross, M.D.
Executive Associate Dean

Jerome H. Modell, M.D.
Senior Associate Dean
for Clinical Affairs
(304) 362-3441

Richard T. Smith, M.D.
Senior Associate Dean
for Scientific Affairs
(304) 362-3701

Robert T. Watson, M.D.
Senior Associate Dean
for Educational Affairs
(304) 362-3701

The Honorable Charlie Stenholm
Member, AG DORFA Subcommittee
U. S. House of Representatives
Washington, D.C. 20515-4317

Box J-215, JHMHC
Gainesville, Florida 32610-0215

Telephone: 904 • 392-3701
Telefax: 904 • 392-6482

Dear Representative Stenholm:

It is my understanding that the House Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture will mark-up H.R. 3270, the "Farm Animals and Research Facilities Protection Act," on June 14. As Dean of the University of Florida College of Medicine, I am writing to express the College's support for H.R. 3270 and to encourage you to approve this bill.

As one of the 127 accredited medical schools in the United States, the University joins these schools in the goal of pursuing quality medical education and training; enhancing the search for biomedical knowledge; advancing basic, clinical, and health services research; and integrating education and research into the provision of improved and effective health care. Use of animal subjects in research is an integral and necessary component in reaching these goals.

History will verify that most medical breakthroughs of this century are based on research involving animals. Animal research offers the most valuable tool in the search for cures including a variety of formidable diseases in the medical field; i.e., cancer, heart disease, and AIDS. These research efforts are becoming increasingly vulnerable to violent attacks as some individuals opposed to animal research have vented their opposition by burning buildings, destroying equipment and data, and making personal threats of harm to researchers and their families. H.R. 3270 would make such actions a federal offense and punishable accordingly.

Therefore, as active participants in ongoing medical research and members of the academic community, the University of Florida College of Medicine faculty wish to voice a strong message of support in the proper use of animals in research. Also, in order to eliminate the present terrorist-style activity directed against the use of animals in research, we strongly support and urge your cooperation in this effort by approving H.R. 3270.

Sincerely,

Allen H. Neims, M.D., Ph.D.

AHN:fj



May 22, 1990

The Honorable Charles Stinholm
U. S. House of Representatives
Washington, D. C. 20515

Re: House Resolution 3270

Dear Congressman Stinholm:

As the Executive Vice President and General Manager of the Louisiana State Fair, I would like to advise that our Fair is held in late October of each year and has been an ongoing viable institution since 1906. We have in excess of 5,000 animal exhibits and approximately 600,000 patrons attending our annual exposition.

Since the early days of our organization our Fair has played an important role in the advancements of agriculture and livestock products. As a matter of fact these were stated objectives of this Fair when we were originally founded.

I am familiar with the recent incident in Martin County, Florida, described in Tony McMillan's letter to you. Please be assured that our Fair, as all others, experiences unique problems from the activities of militant Animal Rights groups. Of great concern to us is the safety of our fair-goers which could be jeopardized by vandalism, arson or the liberation of animals on the Fair grounds.

On behalf of our Board of Directors, we want to commend you for your initiative introducing this necessary legislation. If we can be of any assistance to you and your staff in any way to expedite the passage of this Bill, please let me know.

Sincerely,

C. Ed Nelson, CFE
Executive Vice President
and General Manager

CEN:mo
cc: Rep. Jim McCrery

College of Physicians & Surgeons of Columbia University

HERBERT PARDES, M.D.
VICE PRESIDENT FOR HEALTH SCIENCES
AND DEAN OF THE FACULTY OF MEDICINE

630 WEST 168TH STREET
NEW YORK, NEW YORK 10032
(212) 305-3681 FAX (212) 305-3545

May 25, 1990

The Honorable Charlie Stenholm
U.S. House of Representatives
Washington, DC 20515-4317

Dear Mr. Stenholm:

The "Farm Animals and Research Facilities Protection Act" would be an important step forward to protect animal research. I write both as Chairman of the Council on Research of the American Psychiatric Association with its 36,000 members and as Vice President for Health Sciences of the Columbia-Presbyterian Medical Center which has some 12,000 employees.

The academic community, the health community, and the citizen community concerned about biomedical research have become increasingly distressed about the violence perpetrated by individuals opposed to animal research. Personal threats, calls in the night and destruction of equipment, all appear to be acceptable actions by this radical group. They seem to function with little fear of punishment.

H.R. 3270 would make such actions a federal offense and punishable. My understanding is that this bill will be marked up on June 14. I urge your support. Animal research has been critical in almost all of the major medical breakthroughs in this century and constitutes a major factor in the potential for conquering the major illnesses facing us. It is critical that our researchers be protected and that those willing to undertake violent acts be aware that they will be punished.

I thank you on behalf of our Association and our Medical Center.

Sincerely,



Herbert Pardes, M.D.

HP:kw

STATEMENT OF PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS

To House Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture, on HR 3270, July 17, 1990

People For The Ethical Treatment of Animals opposes enactment of HR 3270 for a variety of reasons, including several stated by the Department of Justice. Justice called the bill redundant legislation, either duplicating existing parts of the federal criminal code or federalizing state misdemeanor vandalism charges, when the Department testified before this subcommittee on Feb. 28.

The Justice Department's opinion should merit consideration, but there is another much more sinister aspect to the bill that deserves scrutiny. It is the provisions in the bill which would make it a federal crime to give out or receive information from a lab employee concerning violations of federal laws or regulations on care and treatment of laboratory animals. This bill would, in effect, destroy whistleblower and First Amendment Rights, by criminalizing transfer of information on violations of animal care and treatment regulations.

It does this by providing that it would be a crime to "acquire" or "exercise control" over "property from an animal facility" without "effective consent" of the owner. Since records and reports are property, Stenholm makes it a crime for anyone to give out or receive data showing that a lab is violating animal care regulations, no matter how serious the violations.

Stemming the movement of information on violations in laboratories is a major objective of the researchers who want to operate without adhering to regulations. For pertinent reasons, it is as important to them as federalizing existing state laws providing criminal penalties for conviction of violence against labs. It is a major objective because most often information on violations comes from inside the lab, usually through an employee who observes continuing violations of animal care and use regulations that go unremedied by lab officials and unpunished by officials charged with enforcement.

Although the famous Silver Spring monkeys case occurred nine years ago, it remains a perfect example of why whistleblower and First Amendment rights need to be protected, not destroyed, as the Stenholm bill intends. After monkeys were found in horrible condition in that lab the Montgomery County police seized them, and in two trials the operator was found guilty of cruelty. (Only after a judge ruled that since the operator had bought the monkeys with federal funds he couldn't be tried on state charges, were they dropped.)

But during the years the horrible conditions existed, nobody from NIH, only a few miles away, and nobody from the Animal and Plant Health Inspection Service, also only a few miles away, ever did anything to correct them. There are numerous other situations involving gross violations of federal regulations which were uncovered through the provision of information and records to outside persons or organizations, and that is what the lab operators want to stop.

Perhaps as indicative of this as anything are state legislative initiatives pushed by lab operators. One failed in Kentucky but another succeeded in Kansas. The Kentucky effort involved passage of a bill patterned after S 727, the bill introduced by Senator Heflin. The bill caused the American Civil Liberties Union to write to him, saying while it did not object to legislation protecting labs, "As currently drafted, the bill creates an official secrecy act for federally funded animal research. There is no precedent in federal information policy for such a sweeping assault on the public's right to know." The letter goes on to say, "Yet S 727 would criminalize the release of any record or data from a federally funded lab, even if that information was provided to Congress by a whistleblower."

The offending anti-whistleblower and anti-First Amendment provisions were removed before the Senate passed the bill, but that did not prevent its supporters in Kentucky from introducing it as originally written. It had passed the Kentucky Senate unnoticed by a vote of 34-4, but when the media called attention to its provisions it was immediately amended, and the offending provisions were struck.

In Kansas, however, a version of Stenholm has passed with language making it a state crime to "acquire or otherwise exercise control over ... property from an animal facility." That is the anti-whistleblower language the renegade lab operators want to see enacted in their effort to clamp down on information going out about violations.

Obviously, that is a major goal.

We see a certain ludicrousness in the Stenholm provision requiring anyone convicted of violating its provisions to notify an audience selected by the judge of the conviction. Would a few million postcards suffice? Stenholm takes away First Amendment rights with one hand and on the other hand demands those who might be convicted to speak to an audience others select.

We ask the committee to broaden its vision if it wants to do something constructive about the problem of illegal acts against labs.

One action it could take would be to relentlessly pursue adoption of effective regulations implementing the 1985 improvements in the Animal Welfare Act. We are now five years since passage of that legislation, and OMB continues to violate the Constitutional mandate stating that the Administration "shall take care that the laws be faithfully executed." This slap in the face of the Congress should sting especially hard in this subcommittee, which has jurisdiction over the Act.

Another action it could take would be to increase the authorization for APHIS, and hold frequent oversight hearings on whether APHIS is doing its job effectively.

But probably the best thing it could do would be report out standing to sue legislation, such as HR 2345. Giving citizens the opportunity to sue on behalf of animals would effectively eliminate any excuse for anyone claiming that an illegal action was the only way to stop violations of animal care regulations. HR 2345 does this, and, at the same time, protects the government from frivolous suits.

#

(Attachments follow:)



Department of Justice

TESTIMONY OF
PAUL L. MALONEY
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE
BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
RESEARCH, AND FOREIGN AGRICULTURE
AND THE HOUSE SUBCOMMITTEE ON
LIVESTOCK, DAIRY, AND POULTRY

FEBRUARY 23, 1990

Thank you for inviting me to appear here today on behalf of the Department of Justice to discuss animal research facility protection. I understand that this is an oversight hearing and that you have some specific topics that you would like me to address. It is also my understanding that three bills are pending in this Committee which deal generally with this subject matter. At the outset, let me state emphatically that the Department of Justice shares the concerns of the Subcommittees and of the research community and others about the attacks committed against animal research facilities and their personnel. We are certainly committed to doing our part to ensure that persons who commit such acts are brought to justice and appropriately punished.

As you know, however, the Department has recommended against the enactment of new legislation to combat illegal acts at research facilities. It is with some reluctance that the Department takes this position, for, as I said before, the Department is certainly sympathetic to the problems faced by research facilities and scientists who have been the victims of criminal acts and harassment. However, despite our sympathy to the aims of some of these bills, the Department cannot endorse the creation of new federal criminal legislation which, in our view, would add nothing to the prosecution of these types of offenses. Indeed, enactment of this kind of proposal might serve only to raise the hopes and expectations of the research community to unrealistic levels.

- 2 -

The Department's position is grounded upon several considerations. First, to the degree that this type of legislation proposes to punish attacks on federally funded research facilities which involve significant theft, loss, or destruction of property, it merely duplicates the protections of the existing federal criminal code, (Title 18 of the United States Code). Sections 641 (theft of government property), 666 (theft from program receiving federal funds), 667 (theft of livestock), 844(i) (arson or bombing), and 1361 (destruction of government property), of that title together reach the same conduct. These offenses carry substantial penalties, including up to ten years imprisonment in most cases. Second, to the degree that this type of legislation proposes to reach less egregious conduct, such as vandalism, it would constitute an unnecessary extension of federal prosecutive power into a class of offenses traditionally prosecuted by state authorities. Burglary, breaking and entering, destruction of property, and depredation of fixtures are common law or statutory crimes everywhere in the United States. Unless the damages inflicted are substantial, the Department believes that these offenses are best left to local prosecutors. In accordance with longstanding practice, the services of the forensic laboratories of the Federal Bureau of Investigation are available to local authorities which request them. Finally, if such legislation were to be enacted, the Department believes it likely that there would be few, if any, prosecutions under it. United States Attorneys

- 3 -

could, and probably would, well exercise their prosecutorial discretion to charge serious offenses under the more familiar provisions of the criminal code, while continuing to decline the less serious cases in favor of local prosecution.

Let me say a word about prosecutorial discretion. Prosecutorial discretion to decline to go forward with a case, or to accord misdemeanor treatment to a case which could be classified as a felony, is a practice of very long standing. It is employed by prosecutors everywhere, at all levels of government. Crime victims almost invariably feel that prosecutorial discretion has been abused if it results in "knocking down" charges or declining a case. But as you know, resources are limited at the federal level as well as at the state level. In view of the emphasis that has been placed on other high priority areas such as drugs, organized crime, and white collar crime, especially financial institution fraud, the exercise of prosecutorial discretion in theft and destruction offenses is essential and necessarily results in a rather limited federal role.

This does not mean that we consider these offenses trivial or that a federal court is not a proper forum for prosecuting some attacks on research facilities. Where an offense involves a great deal of damage or appears to be related to such an offense, federal involvement is obviously appropriate.

There has been concern expressed about the failure of prosecutors and investigators to appreciate the value of damage to

- 4 -

half-completed research and to research animals that laboratory break-ins can cause. Although prosecution policies based on value can and do vary from district to district within the federal system, the courts, not prosecutors, are the final arbiters on valuation. Placing a value on half-completed research, or on research animals which have special value only to researchers, is a very difficult task. Normally, "value" means fair market value, or what a willing buyer would pay a willing seller. Although it might be possible to alter the method by which value is calculated, the Department believes that this is an area in which Congress should act cautiously.

In conclusion, Mr. Chairman, let me say that I appreciate the frustration that members of the research community must feel over these incidents. Like the victims of any crime, they quite understandably and justifiably want the perpetrators apprehended and punished. I can only agree and promise that the Department of Justice will continue to do its part to see that this occurs. Only vigorous enforcement of our criminal laws, at the State and Federal levels, will assist in eliminating these despicable acts.

This concludes my statement. I will be glad to address any questions the Subcommittee members may have.

THE COURIER-JOURNAL
LOUISVILLE, KY.
TUESDAY,
FEBRUARY 20, 1990.

K

Animal-rights groups say bill to protect labs threatens free speech

By TODD MURPHY
Staff Writer

LEXINGTON, Ky. — A bill aimed at protecting animal-research laboratories from theft and vandalism by animal-rights activists could subvert free speech and make whistleblowing illegal, animal-rights groups said yesterday.

The bill, Senate Bill 175, is sponsored by Sen. Ed Ford, D-Cynthiana, and would set up penalties and require restitution for damage or theft at research centers.

But the bill would also make it illegal for a person to possess or reproduce records from a research center if that person "reasonably" believed the records were obtained "without the effective consent of the owner."

That could govern reporters, lawyers and others and would make anyone passing on any information from a facility — including information on improper activities — subject to up to a year in prison and a fine of \$5,000.

Ford is executive director of the Grayson Foundation, a non-profit organization based in Lexington that supports equine research. He did not return two telephone calls seeking comment yesterday.

Andrea Reed, coordinator of the mid-central region for The Fund for Animals Inc. in Louisville, an animal-rights group, said her group had

■ Louisville Mayor Jerry Abramson offers a deal on funding for expansion of fairgrounds. Story, B 2.

no problems with most of the bill — but had significant problems with sections on information possession.

"It penalizes people who have possibly witnessed violations," she said.

The proposed legislation, which the Senate passed 34-4 earlier this month, is set to be considered in the House Agriculture and Small Business Committee this morning.

The measure closely resembles legislation introduced in Congress last year by Sen. Howell Heflin, D-Alabama. A section in that legislation — a part almost identical to one in Ford's bill — threatened First Amendment freedoms and would have created "an official secrecy act for federally funded animal research," charged a letter protesting the proposal that was sent to Heflin by two officials of the American Civil Liberties Union.

Eventually the section governing possession of records was taken out of the Heflin bill, and the measure has been approved by the U.S. Senate.

"Red" Swift, a Washington lobby-

See ANIMAL-RIGHTS
PAGE 4, col. 2, this section

Continued from Page B 1

ist who represents an animal-rights group, said that after the Heflin bill was amended, national proponents of the legislation started taking the original proposal to state legislatures. "What they're trying is the old version of Heflin," Swift said.

Like Heflin's, most of Ford's bill deals with the vandalism and theft that have been on the rise at animal-research labs across the country in the past few years. People protesting what they consider inhumane treatment of animals have claimed responsibility for many of the actions.

But two paragraphs in Ford's bill deal directly with the possession of information from research facilities, and generally say that anyone possessing or reproducing records or data without the consent of the owner is liable to punishment under the act.

The corresponding section in Heflin's original bill drew heavy criticism — from members of Congress and others.

The ACLU letter said it "would ... thwart legitimate whistle-blowing activity aimed at uncovering fraud, abuse and violations of federal regulations in federally funded labs and would substantially interfere with the Congress' oversight authority over such programs."

The letter added that by imposing liability on any person possessing records, the bill "places core press freedoms in jeopardy," and would criminalize the release of information that is available under the federal Freedom of Information Act.

A citizens' lobbying group called Citizens Against Government Waste also charged that the proposed legislation threatened to circumvent new federal law protecting people who made allegations of improprieties at their places of employment "by making it illegal to blow the whistle at federal government research labs."

Reed, of The Fund for Animals, agrees with that criticism, and her group has been underlining its opposition by sending legislators fliers containing a picture of an injured monkey at a research lab. The photograph, Reed said, was obtained without the authorization of the research center. Under the picture, words on the flier read: "Your possession of this photograph will be illegal if Senate Bill 175 passes."

Dr. Ward Crowe, the university veterinarian at the University of Kentucky, which receives about \$6 million a year in outside grants for animal research, has testified in support of Ford's bill, which was sent in the Senate to the State Government Committee, which Ford heads.

By TODD MURPHY
Staff Writer

2/21

FRANKFORT, Ky. — Legislators, animal researchers and animal-rights activists figuratively met at the research-center door yesterday — then quickly defused an expected confrontation on an animal-research protection bill and sent it on to probable passage.

Disagreement on Senate Bill 175 drained away when the bill's sponsor, Sen. Ed Ford, D-Cynthiana, proposed deleting two sections that activists and others had said would subvert freedom of speech.

The House Agriculture and Small Business Committee then unanimously passed the bill, giving researchers what they wanted — increased protection from animal-rights protesters who disrupt, damage or steal from research centers — and activists what they wanted — a guarantee that someone who reports improper activities at a research center won't be punished.

"We were prepared with testimony to urge an amendment be made at the hearing," said Andrea Reed, coordinator of the mid-central region for The Fund for Animals Inc. in Louisville. "But we were very pleased when it was Sen. Ford himself who made the amendment." Reed was one of about two dozen animal-rights activists who attended the meeting.

Said Dr. Ward Crowe, veterinarian at the University of Kentucky, which receives about \$8 million a year in outside grants for animal research: "I would hope that the opposition is gone. And I believe it is."

The bill, which had been quietly approved 34-4 by the full Senate two weeks ago, is the first major piece of legislation in Kentucky aimed at protecting research centers from disruption or damage caused by people protesting what they consider the inhumane treatment of research animals.

Ford's bill, modeled after similar federal legislation, would set up penalties and require restitution. It calls for punishment of up to a year in jail and a \$5,000 fine for each violation.

But the bill would also have made it illegal for a person to possess or reproduce records from a research center if that person "reasonably" believed the records were obtained "without the effective consent of the owner."

An almost identical section in federal legislation proposed last year by U.S. Sen. Howell Heflin, D-Alabama, drew significant opposition and was eventually taken out of the bill.

That section in Ford's bill could have affected reporters, lawyers and others who received such information and would have made anyone who passed it on subject to the bill's penalties.

Animal-rights activists said the provision would have discouraged research workers from reporting illegal activities.

Ford said after the meeting yesterday that he did not believe the section was as restrictive as some thought. "But if it gave them that much of a problem, I certainly have no objection" to deleting it.

Reed said that Ford's agreement to delete that provision removed her group's objections to the bill.

And Crowe, who testified for the bill, said its most important provisions — finding violations for damaging protests, setting up penalties and requiring restitution — remain.

Some animal-rights activists said yesterday that although they no longer planned to oppose the measure, they still questioned its purpose. Burglary, vandalism and theft are illegal now, and anyone doing those things should be prosecuted, they said.

"We're not terrorists," said Eric Reed, Andrea Reed's husband and a member of The Fund for Animals. "We're not going to break into laboratories. Why

ent tax rates for coal and non-coal employers.

Sen. David Karem, D-Louisville, questioned whether the system had been in existence long enough to know if the additional judges were needed.

If the bill is approved by the House and signed by the governor, the Workers' Compensation Board would have to appoint the new judges before the end of the session, because they must be confirmed by the Senate.

The rate for non-coal employers was scheduled to drop from 16.9 percent to 14.7 percent, but will remain the same, O'Daniel said. The additional rate for coal operators was scheduled to increase from 48 percent to 59 percent this year, but is frozen at 47 percent in the bill.

Coal operators pay more into the Special Fund, which pays benefits to injured or diseased workers, because of the large number of black-lung cases.

Karem and eight other senators voted against the bill, while 27 senators voted for it.

The Senate also approved two measures involving coal mining. Under SB 205, anyone who knowingly receives and transports "wildcat" or illegally mined coal would be guilty of a Class D felony. The bill went to the House on a 36-0 vote.

SB 235 says coal operators who are reclaiming land can receive exemptions for "acts of God" such as floods and droughts. Operators would have an additional growing season to repair damage so caused. The bill went to the House on a 33-2 vote.

Also sent to the House was SB 186, which would allow the Northern Kentucky Health Department to operate independently from the Cabinet for Human Resources, just as departments in Jefferson and Fayette counties do. It passed 36-4.

The Senate also approved SB 117, which sets out guidelines for employers when workers take time off to vote. The Senate concurred with a House amendment and voted 30-4 to send the bill to the governor.

In other action, Sen. Benny Ray Bailey, D-Hindman, announced that he was withdrawing SB 167, which would limit state funding for the Kentucky Center for the Arts in Louisville. Bailey said that his efforts had been misunderstood and that he just wanted people who used the center to pay for it.

The following House bills were approved and sent to the governor:

- House Bill 67, requiring state agencies to increase purchases of starch-based plastic packaging can. Passed, 37-1.
- HB 96, allowing adopted children to qualify for exemptions under estate statutes. Passed, 38-4.
- HB 102, requiring the state Office of Investment and Debt Management to file a report regarding debt with the Legislative Research Commission 90 days after the end of the fiscal year. Passed, 38-4.
- HB 236, which sets penalties for taxpayers who file returns but make late payments and those who fail to file. Passed, 38-6.
- HB 252, allowing Supreme Court Justices and Court of Appeals judges to use unmarked state vehicles without official license plates. Passed, 38-4.
- HB 214, requiring state leases with rental costs greater than \$250,000 to be part of the budget. Passed, 38-4.
- HB 325, which would allow the state revenue secretary to waive penalties on administrative fees collected by sheriffs and county clerks if the officer is in a "reasonable cause." Passed, 38-4.
- HB 277, making a \$1.5 million appropriation from the Energy Assistance Trust Fund for use in the current fiscal year for energy assistance program. Passed, 38-4.

The Senate approved the following bills and sent them to the House:

- HB 145, requiring local governments to file a uniform financial information report with the Department of Local Government. A Senate amendment required House concurrence. Passed, 37-4.
- SB 148, allowing a charitable contribution deduction when leased property is used for temporary housing for the homeless. Passed, 38-4.
- SB 171, making various changes in laws regarding trust funds managed by fiduciaries. Passed, 38-4.
- SB 174, exempting farm machinery used to raise chickens from sales and use tax. Passed, 37-1.
- SB 220, allowing for salary supplements for judges with administrative duties. Passed, 38-4.

The Senate also approved by voice vote two resolutions for gubernatorial appointments to the Public Service Commission for George Edward Overbey Jr. and James T. Thornberry.

House backs bill to allow

Robert G. Petersdorf, M.D.
President



June 6, 1990

ASSOCIATION OF
AMERICAN
MEDICAL COLLEGES

ONE DUPONT CIRCLE, NW
WASHINGTON, DC 20036
TELEPHONE (202) 828-0460

The Honorable Charlie Stenholm
U. S. House of Representatives
Washington, D.C. 20515-4317

Dear Mr. Stenholm:

I understand that the House Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture will mark-up H.R. 3270, the "Farm Animals and Research Facilities Protection Act," on June 14. As President of the Association of American Medical Colleges (AAMC), I am writing to reiterate the Association's support for H.R. 3270 and to encourage you to approve this bill.

The AAMC has as its purpose the improvement of the nation's health through the advancement of academic medicine. As the association representing America's 126 medical schools, 420 major teaching hospitals, and over 90 professional academic societies, the AAMC and our members strive to set a national agenda for medical education, biomedical research, and health care. In pursuing this purpose, the Association works to strengthen the quality of medical education and training, to enhance the search for biomedical knowledge, to advance basic, clinical, and health services research, and to integrate education and research into the provision of improved and effective health care. Use of animal subjects in research is integral to fulfilling these goals.

Virtually all of the medical breakthroughs of this century are based on research involving animals. Animal research holds our greatest hope in continuing to understand and conquer such fatal illnesses as cancer, heart disease, and AIDS. Unfortunately, potentially life-saving work has come under increasingly violent attack in recent years. Some individuals opposed to animal research have resorted to acts such as burning buildings, destroying equipment and data, and making personal threats of harm to researchers and their families. H.R. 3270 would make such actions a federal offense and punishable accordingly.

On behalf of the academic medicine community, I urge you to approve H.R. 3270 and send a strong message that proper use of animals in research is acceptable public policy and that violent, terrorist-style activity will not be tolerated. Thank you for consideration of my views.

Very sincerely yours,

A handwritten signature in black ink, appearing to read "Robert G. Petersdorf".

Robert G. Petersdorf, M.D.



Minnesota State Fair, State Fairgrounds, Saint Paul,

Minnesota 55108-3099 (612) 642-2200 Fax (612) 642-2440

AUG. 23-SEPT. 3, 1990

May 21, 1990

The Honorable Charles Stinholm
U.S. House of Representatives
Washington, D.C. 20515

RE: House Resolution 3270

Dear Congressman Stinholm:

I am the Assistant Manager of the Minnesota State Fair. Our fair is held in August of each year. We have in excess of 13,000 agricultural animal exhibits and 1,500,000 attendees. Our fair has played an important role in the advancements of agriculture in the state of Minnesota for over 100 years.

I am familiar with the incident in Martin County, Florida, described in Tony McMillan's letter to you (and we have already received threats from animal rights activists about our upcoming fair). Our fair, as all others, experiences unique problems from the activities of militant Animal Rights groups. The safety of our fair-goers will be jeopardized by vandalism, arson or the liberation of animals on the fairgrounds.

On behalf of the board of directors of the Minnesota State Fair, we want to commend you for your initiative in introducing this necessary legislation. If we can be of any assistance to you and your staff in any way to expedite the passage of this Bill, please let us know.

Sincerely,

Steve Pooch
Steve Pooch
Assistant Manager



The Great Minnesota Get-Together

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John J. Morhardt
Soil Science Society of America



COUNCIL OF SCIENTIFIC SOCIETY PRESIDENTS

1155 16th St., N.W., Washington, D.C. 20036 (202) 872-4452

January 16, 1990

The Honorable Charles W. Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Stenholm:

I am writing on behalf of the Council of Scientific Society Presidents to express our appreciation for your sponsorship of the Farm Animal and Research Facilities Protection Act, H.R. 3270. As you know, this legislation will be instrumental in helping biomedical researchers control and eradicate human and animal health problems.

The Council is made up of the presidents and other senior officers of 55 professional scientific societies with a combined membership of well over one million scientists engaged in the physical, mathematical, and life sciences.

Once again, I thank you for support and look forward to working with you in the future to encourage scientific developments leading to improvements in the state of human health.

Sincerely,

William F. Prokasy

William F. Prokasy
1990 Chairman

The views expressed by CSSP are those of its members and do not necessarily represent the official position of their respective organizations.

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Mitchell T. Rabkin, MD
President

8 June 1990

Representative Charlie Stenholm
U. S. House of Representatives
Washington, D.C. 20515-0516

Dear Representative Stenholm:

I want to urge your support and approval for H.R. 3270, the "Farm Animals and Research Facilities Protection Act," which will receive a second hearing by the DORFA Subcommittee on 14 June.

Many of the major advances in clinical medicine over the last 50 years have been based upon animal research, for example, the development of polio vaccine, and much of the research on AIDS today. Major developments in heart disease, cancer and many other disorders require the research on animals, research which cannot be carried out in any other fashion. H.R. 3270 will restrain those individuals opposed to animal research who have violated the integrity of laboratories, laboratory animals, research experiments and data. It is imperative that such transgressions be identified as clearly against the public interest, and H.R. 3270 would do so by making these actions a federal offense.

I urge you to support this bill and to shepherd its passage forward into law.

With many thanks and best wishes,

Sincerely,

Mitchell T. Rabkin, M.D.
President

/mog



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

JAN 12 1990

National Institutes of Health
Bethesda, Maryland 20892
Building :
Room :
(301) 496-

The Honorable Charles W. Stenholm
House of Representatives
Washington, D.C. 20515-4317

Dear Mr. Stenholm:

Thank you for meeting with Dr. Jay Moskowitz and me on December 11 to discuss your involvement in the newly formed Animal Welfare Caucus. I hope that you found our visit useful and informative.

The NIH community appreciates your interest in the animal welfare issue and for introducing H.R. 3270. We agree that biomedical researchers deserve Federal protection against animal rights activists who illegally enter animal facilities to commit a crime. You are correct in stating that all of society is victimized by these activities as they cause extended delays in research and slow valuable scientific discoveries. Finally, we think a real advantage of such a bill is that it places all break-ins in all states under the centralized investigative powers of the FBI.

We would welcome the opportunity for you and your staff to visit the NIH campus in Bethesda. This will give you the opportunity to meet members of my staff and to visit our research laboratories and animal facilities. I have enclosed agendas from two earlier congressional visits that can be revised to meet your specific interests. Please have your staff call Ms. Tina Blakeslee in our Division of Legislative Analysis on 496-3471 to schedule a visit.

If I can be of any further assistance to you, your constituents, or the Animal Welfare Caucus, please let me know.

Sincerely yours,

William F. Raub, Ph.D.
Acting Director

Enclosures

cc:
Mr. Dan Waggoner
Mr. Stan Ray



N. C. CATTLEMEN'S ASSOCIATION

INCORPORATED

221 W. MARTIN STREET

P. O. Box 25756

RALEIGH, N. C. 27611

TELEPHONE 919-832-0235

FAX NO. 919-832-6029

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Office Manager
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August 22, 1989

The Honorable Charles W. Stenholm
U. S. House of Representatives
1226 Longworth House Office Building
Washington, DC 20515

Dear Mr. Stenholm:

I understand from the National Cattlemen's Association office in Washington, D.C. that you will soon be introducing legislation to protect facilities and animals used in research, production, processing and others from those wishing to disrupt or interrupt the operation.

The North Carolina Cattlemen's Association and the North Carolina Livestock Auction Markets Association are both on record in support of Senate Bill 1330 introduced by Senator Jesse Helms.

We very much appreciate you taking the initiative in such legislation and have written the North Carolina Congressional delegation asking that they lend their support.

If we can assist in the passage of this legislation, please let us know.

Sincerely,

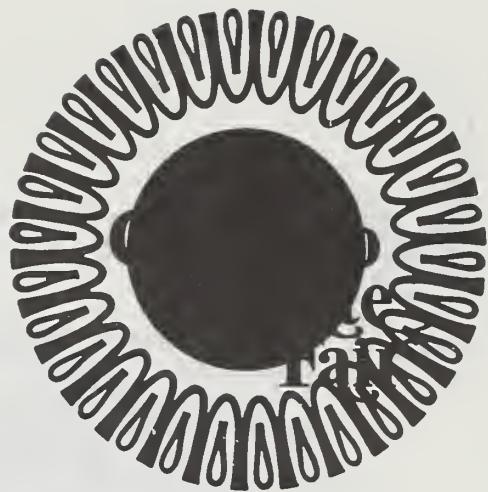
Clint M. Reese
Executive Vice President

CMR:kab

cc: National Cattlemen's Association



Affiliated with
NATIONAL CATTLEMEN'S ASSOCIATION



May 23, 1990

The Honorable Charles Stinholm
U.S. House of Representatives
Washington, DC 20515

RE: House Resolution 3270

Dear Congressman Stinholm:

I am the President/General Manager of the Colorado State Fair. Our Fair is held in late August - early September of each year. We have approximately 12,000 agricultural animal exhibits and 750,000 attendees. Our Fair has played an important role in the advancements of agriculture in the Colorado community for 119 years.

I am familiar with the incident in Martin County, Florida, described in Tony McMillan's letter to you. Our Fair, as all others, experiences unique problems from the activities of militant Animal Rights groups. The safety of our fair-goers will be jeopardized by vandalism, arson or the liberation of animals on the fairgrounds.

On behalf of the board of directors of the Colorado State Fair Authority, we want to commend you for your initiative in introducing this necessary legislation. If we can be of any assistance to you and your staff in any way to expedite the passage of this Bill, please let us know.

Sincerely,

Jerry Robbe, CFE
President/General Manager
Colorado State Fair

JR/so

cc: Congressman Campbell - Colorado

August 1, 1989

LIVESTOCK
MARKETING
ASSOCIATION

The Honorable Charles W. Stenholm
Chairman
Subcommittee on Livestock, Dairy and Poultry
U. S. House of Representatives
1226 Longworth House Office Building
Washington, D. C. 20515-4317

Dear Mr. Chairman:

The Livestock Marketing Association, which represents nearly 1300 member businesses that market livestock, wishes to express its strongest possible support of legislation you intend to introduce to make it a federal crime to break into, vandalize, trespass or remove animals from farms, agriculture research facilities and other agricultural facilities.

Our industry unfortunately recently experienced first-hand the violence that has entered the animal rights movement with the destruction by fire of the Dixon Livestock Auction market several months ago in California. A radical animal rights group has publicly taken credit for destroying the market.

To our amazement, under current State laws, the penalties for such a heinous act of vandalism are relatively minor. Thus it is obvious that there is a critical need for stronger criminal laws and penalties for acts of domestic terrorism committed against agriculture related facilities. Thus, we deeply appreciate your sponsorship of legislation that will more realistically and effectively deal with such criminal acts committed against agriculture facilities.

7009 Tilden, Springville Hwy

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#10 801 US07

1 800 821 2048

The Hon. Charles W. Stenholm
August 1, 1989
Page 2

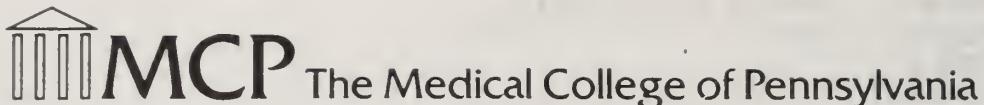
We look forward to working with you and your staff
in the successful passage of this vitally needed legis-
lation.

Sincerely



Nancy Robinson
Associate Manager, Government
and Industry Affairs

✓ c: Mr. Steve Kopperud
American Feed Industry Assn.



Office of the Dean
(215) 842-7007

May 25, 1990

The Honorable Charlie Stenholm
United State House of Representatives
Washington, D.C. 20515-4317

Dear Representative Stenholm:

I have been informed that the House Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture will mark up H.R. 3270, the "Farm Animals and Research Facilities Protection Act", on June 14. I am writing to state my support for H.R. 3270 and to encourage you to approve this bill.

The biomedical research activities of The Medical College of Pennsylvania and our ability to continue our mission of the provision of improved and effective health care is dependent on research involving animals. The terrorist, intimidating tactics employed by certain groups and individuals opposed to the use of animals in biomedical research, if permitted to continue, have the potential of impeding research and blocking continued progress in medical care. H.R. 3270 would make such actions a federal offense and punishable accordingly.

For the sake of the future of biomedical research and the progress in the conquest of cancer, heart disease, AIDS and other fatal illnesses, I urge you to approve H.R. 3270. The message must go out that human health and welfare cannot be blocked by irresponsible actions.

Thank you for your consideration of my views.

Sincerely,

A handwritten signature in cursive ink that appears to read "Leonard L. Ross".

Leonard L. Ross, Ph.D.

LLR/c
cc: Congressman Lawrence R. Coughlin
Ms. Leslie Goode

3300 HENRY AVENUE PHILADELPHIA, PENNSYLVANIA 19129

1850 The Female Medical College of Pennsylvania 1867 The Woman's Medical College of Pennsylvania 1970 The Medical College of Pennsylvania



Office of the Vice President
for Research and Graduate Studies

105 Kinkead Hall
University of Kentucky
Lexington, Kentucky 40506-0057
606-257-1663

July 27, 1989

The Honorable Charles W. Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Stenholm:

This is a letter in support of your introduction of a bill to amend the Animal Welfare Act to create legislation protecting animal research facilities from illegal acts. The recent cases of arson, vandalism and theft at research facilities is deplorable. There is no place in our society for the terrorist activities which have been conducted. We at the University of Kentucky have made a full commitment to quality animal care and facilities, as have many institutions. We strive to comply with all regulations and policies of the federal government to maintain a quality program of biomedical research involving humane animal treatment.

As you have stressed, not only are research institutions and staff victims of the illegal acts of animal liberation activists, but all of the people of our nation ultimately lose.

It is my intent to support your bill in every way possible.

Sincerely,

A handwritten signature in cursive script that appears to read "W. C. Royster".

W. C. Royster
Vice President of Research and
Graduate Studies

0285v



GEORGETOWN UNIVERSITY MEDICAL CENTER

Research Resources Facility

January 24, 1990

U.S. Representative Charles Stenholm
 House of Representatives
 U.S. Congress
 Washington, D.C. 20515

Representative Stenholm:

I am writing in support of bill H.R. 3270 titled "Farm Animals and Research Facilities Protective Act of 1989". Although I am not a member of your constituency, I am an active member of the biomedical community who has strong concerns about the future of animal research in this country. It is difficult (and expensive) enough to keep up with the ever increasing laws and regulations which govern animal research. But the constant concern over security and destruction of important research has created a certain sense of fear among research faculty and staff across the country. Here at Georgetown University, which has made a major commitment to animal research and now has a state-of-the-art animal facility, security continues to be a very high priority. Obviously, every dollar spent on security is a dollar that could be spent on animal care or research.

For this reason, I support your bill H.R. 3270 with the belief that it will serve as a deterrent to the fringe animal rightists who wish to stop research by committing felonious acts. Such individuals must know that they will pay a real penalty for such crimes; that the people of this country have had it with such extreme acts of terrorism.

As a veterinarian and director of Georgetown's animal research facility, I assure you that faculty researchers take animal research very seriously. These people are working hard to help make new discoveries that can lead to improved health care for man and animals. Such work cannot be conducted in the face of violence and intimidation. The biomedical community needs help and protection. If there is anything that I can provide in supporting this bill, please ask.

Most sincerely,

A handwritten signature in black ink that reads "Stephen P. Schiffer".

Stephen P. Schiffer, DVM, MS
 Diplomate ACVIM (Internal Medicine)
 and ACLAM
 Director, Research Resources Facility

SPS:ano

3950 Reservoir Road NW Washington DC 20007

202-687-1676

American Sheep Industry Association

August 1, 1989

The Honorable Charles W. Stenholm
Chairman, Subcommittee on Livestock,
Dairy and Poultry
Committee on Agriculture
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Stenholm:

On behalf of the American Sheep Industry Association and the 115,000 sheep producers that it represents, we support your efforts on the Farm Animal and Research Facility Protection Act of 1989.

We thank you for taking the initiative to protect the safety of our livestock and the animals in research laboratories, as well as the safety of those who work with these animals. Our members are concerned about the escalating danger to animals, farmers and organization staff caused by violent acts against animal agriculture and research. It is extremely important that innocent people are protected from vandalism and violence.

Once again, thank you for your efforts.

Sincerely,

Bill Schneemann Pierce Miller

Bill Schneemann
President

Pierce Miller
Chairman, Legislative Council

412 First Street, S.E. • Washington, D.C. 20003 • (202) 484-2778
200 Clayton Street • Denver, Colorado 80206 • (303) 399-8130

MERCER

Office of the Provost for Medical Affairs
Dean, School of Medicine

May 23, 1990

The Honorable Charlie Stenholm
U. S. House of Representatives
Washington, D. C. 20515-4317

Dear Representative Stenholm:

The House Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture that you are scheduled to mark-up H.R. 3270, the "Farm Animals and Research Facilities Protection Act," on June 14th. As Dean of the Mercer University School of Medicine, I am writing to ask for your support for H.R. 3270 and to encourage you to approve this bill.

Legislation of this type is needed to penalize persons and groups who commit harmful acts of violence against our research facilities. There are an unfortunate number of increasingly violent and threatening tactics being used across the country to impede the use of live animals in biomedical research. These types of terroristic acts against research facilities destroy promising work intended to improve and prolong the health of Americans. Animal research holds our most promising hope for the control of many life-threatening illnesses such as cancer, heart disease, and AIDS.

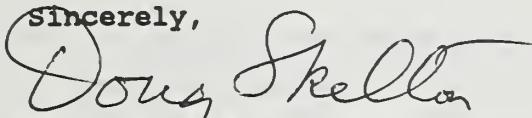
It is our hope that whatever final form this legislation takes, it will provide the degree of security needed by all research institutions in order to continue to conduct vital biomedical research. I personally feel that a strong Federal role is needed to penalize all persons and groups who commit a harmful act of violence against research facilities. H.R. 3270 would make such actions a federal offense and punishable accordingly.

On behalf of the faculty of this school of medicine and the academic medical community across the country, I urge you to support and approve H.R. 3270 and in so doing send the message to the American people that the proper use of animals in research is acceptable public policy and that violent, terrorist-style activity cannot be tolerated.

MERCER UNIVERSITY
1400 Coleman Avenue
Macon, Georgia 31207
(912) 752-2600

May 23, 1990
Page 2

As always, your assistance is appreciated. Please call
if I can be of any service to you or your staff.

Sincerely,

W. Douglas Skelton, M.D.
Provost for Medical Affairs/Dean

August 24, 1989

Bill Sparrow Jr.
Rt 5 Box 161A
Durham, NC 27704

Honorable Charles W. Stenholm
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Stenholm:

I am writing in support of the Farm Animal and Research Facility Protection Act of 1989. I commend you for introducing this much needed legislation and hope that its passage into law will help in the fight against animal rights' terrorists and their increasingly brazen tactics.

As a sheep producer, immediate past president of the North Carolina Sheep Producers Association, supporter of free enterprise, tax payer, consumer, and citizen of the United States, it is disturbing to me that small groups of terrorists are given free reign to conduct campaigns of intimidation and destruction against family farms, livestock organizations, auction barns and research facilities. These groups, most notably one known as "Earth First", have vandalized property, burned down buildings, destroyed valuable medical research, mailed letter bombs aimed at individuals, and telephoned threats against life and property. These type of actions cannot be tolerated by a responsible society.

Far too often these groups escape successful prosecution as the public only sees and hears one side of the story. This same public too quickly forgets the luxury of the cheapest and most abundant food supply in the world and the world's highest standard of living made possible by America's farmers. The advances made in medical science through animal research are again often forgotten by the American public.

Please continue your support of America's farmers and the principles on which this country was founded. I urge congress to look favorably upon and quickly act on this important legislation.

Sincerely,



William H. Sparrow Jr.

cc: Honorable Charles Rose
U.S. House of Representatives

TESTIMONY OF DR. MARTIN L. STEPHENS
Submitted to the Subcommittee on Department Operations,
Research and Foreign Agriculture of the
House Agriculture Committee
June 14, 1990

I am writing in my capacity as director of the laboratory animals department of The Humane Society of the United States (HSUS), the nation's largest animal protection organization. On behalf of our more than one million members and constituents, I appreciate this opportunity to share our views on H.R. 3270, the Farm Animal and Research Facilities Protection Act of 1989.

Let me begin by stressing The HSUS's long standing and firmly held view that we abhor violence in any form and have consistently used and encouraged the use of legal means for achieving the protection of animals. The HSUS not only opposes arson, vandalism, theft, and threats and acts of violence against people, but also believes that such acts do not advance the cause of animal protection.

The HSUS is supportive of the legislative goal of H.R. 3270, namely to combat acts and threats of violence directed toward researchers and farm animal and research facilities. We are, however, mindful of the fact that the Justice Department questions the need for H.R. 3270, based on its stated opinion that the bill would duplicate the protections of Title 18 and existing state and local law.

The greatest concern of The HSUS is that the bill in its current form could have the inadvertent effect of sealing off research and farm facilities from public scrutiny, thereby impeding legitimate exposure and the reporting of violations of animal welfare statutes.

Biomedical laboratories are currently overseen at the federal level by the USDA, which enforces the Animal Welfare Act, and the Public Health Service, which enforces the Health Research Extension Act. Compliance with federal law is determined to a large extent by on-site inspections. However, inspections by both agencies are infrequent, owing in part to staff limitations. For example, in FY 1987, USDA/APHIS conducted 13,234 compliance inspections, an average of only 1.6 inspections per site. In FY '88 this figure decreased to an average of 1.5 inspections per site. As a result, both agencies rely significantly on facility employees to report suspected cases of animal welfare violations or other improprieties. Similarly, some state and local agencies, as well as private humane societies and media, rely on whistleblowers to expose such violations or improprieties.

NEED FOR WHISTLEBLOWER PROTECTION IN H.R. 3270

Unfortunately, many facility employees who are aware of violations of animal welfare laws are afraid to report such violations. The

the reassurance of protection when reporting those violations, especially in the face of restrictive legislation such as H.R. 3270. We therefore request the addition of a whistleblower protection provision along the lines of the wording in Appendix A.

Whistleblower protection is currently contained in over 20 federal statutes (see Appendix B). In addition, the Whistleblower Protection Act of 1989 offers protection for federal employees. And, H.R. 3368 and S. 436 currently under consideration by Congress, would offer protection to non-government employees in the public health and safety area.

The addition of a whistleblower protection provision would be consistent with the expressed intent of Congress, most recently expressed by unanimous Congressional approval of the fact that the Whistleblower Protection Act of 1989 was unanimously approved by Congress.

We believe that any chilling of whistleblower activity caused by H.R. 3270 could impede scrutiny of not only possible animal abuse, but also of other forms of scientific misconduct. Vigilance against such fraud necessitates that employees who suspect illegal or unethical activities be able to come forward freely to seek correction of the problem.

NEED FOR STANDING PROVISION IN H.R. 3270

In addition to a whistleblower protection provision The HSUS recommends that H.R. 3270 also includes a provision which gives citizens standing to sue the USDA for violations of the Animal Welfare Act. Exposure of animal welfare violations, whether by whistleblower activity or other means, has little long term impact if enforcement agencies do not follow up on the allegations, or cannot be "called to task" for failure to enforce the law. Unfortunately, individuals and organizations currently do not have the right to bring legal action to compel the USDA to enforce its AWA provisions. Without "standing" to sue for such enforcement, public accountability of research facilities is limited and those who wish to address these issues in the courts are stymied.

Time and again, as The HSUS and other animal protection organizations have considered participating in legal proceedings to enforce provisions of the Animal Welfare Act, we have had to weigh the consequences of the arguments from the federal government concerning our "standing". These objections are terribly difficult, time-consuming, and expensive.

As a result of the ambiguity in the Act and the recalcitrance of the Justice Department and the federal agencies involved, The HSUS has repeatedly been reluctant and, in fact, at times forced to

decline to bring suit that would have been beneficial and provided immediate and lasting protection for animals.

When organizations have brought suit in court, the results have been predictable. For example, the following cases have been dismissed by federal courts for lack of standing:

1. Animal Lovers Volunteer Association, Inc. (ALVA) v. Wienberger 765 F.2d 937 (9th Circuit, 1985).
2. International Primate Protection League v. Institute for Behavioral Research (IBR) 799 F.2d 934 (4th Cir. 1986).
3. International Primate Protection League, et al., v. Administrators of the Tulane Education Fund, and National Institutes of Health 895 R. 2d 1056 (5th Circuit, 1990).

There are also other unreported cases in which standing was denied.

While "standing" is denied under the Animal Welfare Act, numerous federal statutes grant standing for citizens suits. These are listed in Appendix D.

The fact that over 15 federal statutes, including the Endangered Species Act, contain standing for citizens suits provisions confirms that this approach is neither novel nor new. It would, however, provide a necessary, ordered, nonviolent approach through the courts to protection under the AWA.

Therefore The HSUS recommends a "standing" provision as contained in H.R. 2345 be included in H.R. 3270. This would give respected animal protection organizations the legal recourse afforded to others in current federal laws.

COMMENTS ON SPECIFIC LANGUAGE IN H.R. 3270

In addition, we believe specific language in the bill might be open to interpretations that could impede legitimate investigations of animal welfare provisions. We have attached a listing of our comments on this language (see Appendix C).

To summarize, The Humane Society of the United States opposes the egregious acts which H.R. 3270 seeks to address. We recommend, however, that the subcommittee also consider the above-cited proposed provisions which would ensure that those citizens who also want to see animals given the protection they are afforded under the Animal Welfare Act have the opportunity to do so without fear of reprisal or denial of standing in the courts.

In closing, we would also like to reiterate a point which we continuously make to Agriculture and Appropriations Committees, on both the House and Senate sides - that is the need for additional appropriations for APHIS to enforce the Animal Welfare Act. As we mentioned earlier, at the current appropriations level APHIS is not able to adequately inspect facilities for which it has responsibility. We have therefore, requested the Appropriations Committee to appropriate \$14 million for FY '91 so that APHIS can properly monitor animal care at these facilities. We would hope that the Agriculture Committee would authorize the appropriations of such needed funds.

Thank you for the opportunity to share our views on H.R. 3270.

Appendix A**Suggested Wording for a Whistleblower Protection Provision****"Sec. _____ Whistleblower Protection**

Notwithstanding any other provision of this Subtitle, no employee or other person may be harassed, prosecuted, held liable, or discriminated against in any way because that person has commenced, caused to be commenced or is about to commence a proceeding, testified or is about to testify at a proceeding, or assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of the Federal Humane Slaughter Act (21 U.S.C. 601), the Animal Welfare Act (7 U.S.C. 2131) or any other provisions of law prohibiting the inhumane treatment of animals.

The process and procedures with respect to prohibited discrimination under subsection (a) shall be governed by the applicable provisions of the Surface Transportation Act (49 U.S.C. 2305). The legal burdens of proof with respect to prohibited discrimination under subsection (a) shall be governed by the applicable provisions of the Whistleblower Protection Act of 1989 (5 U.S.C. 1214 and 1221)."

Appendix B

Federal Statutes Containing Whistleblower Protection

1. U.S. Constitution, Amendments 1 and 14.
2. Toxic Substances Control Act, 15 U.S.C. 2622.
3. Superfund, 42 U.S.C. 9610.
4. Water Pollution Control Act, 33 U.S.C. 1367.
5. Solid Waste Disposal Act, 42 U.S.C. 6971.
6. Clean Air Act, 42 U.S.C. 7622.
7. Energy Reorganization Act, 42 U.S.C. 5851.
8. Safe Drinking Water Act, 42 U.S.C. 300-j-9.
9. Federal Mine Health & Safety Act, 30 U.S.C. 815(c).
10. Fair Labor Standards Act, 29 U.S.C. 215.
11. Occupational Safety & Health Act, 29 U.S.C. 660(c).
12. National Labor Relations Act, 29 U.S.C. 158(a)(4).
13. Surface Transportation Act, 49 U.S.C. 2305.
14. National Longshoreman's and Harbor Worker's Compensation Act, 33 U.S.C. 948(a).
15. Civil Service Reform Act, 5 U.S.C. 2302.
16. Employee Retirement Income Act, 29 U.S.C. 1132.
17. Surface Mining Control and Reclamation Act, 29 U.S.C. 1293.
18. Civil Rights Act of 1871, 42 U.S.C. 1983.
19. Title VII, 42 U.S.C. 2000e-4(a).
20. Age Discrimination in Employment Act, 29 U.S.C. 623(d).
21. Job Training and Partnership Act, 29 U.S.C. 1574.
22. Migrant and Seasonal Agricultural Workers Protection Act, 29 U.S.C. 1855.
23. Safe Containers for International Cargo Act, 46 U.S.C. 1506.

Appendix C

Federal Statutes Granting Standing for Citizen Suits

1. Toxic Substances Control Act.
2. Endangered Species Act.
3. Surface Mining Control and Reclamation Act.
4. Deep Seabed Hard Mineral Resources Act.
5. Federal Water Pollution Control Act.
6. Marine Protection, Research and Sanctuaries Act.
7. Deepwater Port Act.
8. Safe Drinking Water Act.
9. Noise Control Act.
10. Energy Policy and Conservation Act.
11. Clean Air Act.
12. Ocean Thermal Energy Conservation Act.
13. Outer Continental Shelf Lands Act.
14. Natural Gas Pipeline Safety Act.
15. Hazardous Liquid Pipeline Safety Act.
16. Marine Mammal Protection Act. (the statute implies a right of action).

Appendix D

Notes on Provisions of Concern in H.R. 3270

Page 3, line 16

Would the term "animal" include marine mammals in captivity and dogs obtained illegally and held by a dealer with a "research" license?

Page 4, line 15

Would the phrase "false pretenses" impede investigators who are working with law enforcement authorities? Could it be used against an employee who accepted a position in good faith, but subsequently observed a violation of the law and wanted to report it?

Page 4, line 23

Could "(D) given solely to detect the commission of an offense" be interpreted to invite entrapment?

Page 5, lines 2-3

The phrase "whether lawful or not"? could give rise to unfortunate circumstances. For example, it might impede legitimate attempts on the part of pet owners to find animals which were obtained through the practice of "pet theft". Similarly, it might impede the efforts of employees who discover that a stolen dog is at a research facility.

Page 5, lines 23-25

Would the term "other property" include documents and photographs. If so, what protection would exist for those who want to report violations of animal protection laws by sending proof to law enforcement authorities?

Page 9, line 15

Suggest adding "municipal or local" to cover those laws.

**AMERICAN COLLEGE OF RHEUMATOLOGY**

17 Executive Park Drive, NE, Suite 480, Atlanta, Georgia 30329
Telephone 404 633-3777 Fax 404 633-1870

October 9, 1989

Honorable Charles W. Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Stenholm:

The American College of Rheumatology (ACR) is the world's largest organization of physicians and scientists dedicated to providing leadership in arthritis research, education and patient care. On behalf of our 4,500 members and the 37 million individuals who have arthritis and other rheumatic diseases, we are pleased to take this opportunity to express our strong support of HR 3270, the Farm Animal and Research Facilities Protection Act of 1989. We commend Representatives Stenholm, de la Garza, Madigan and all other original co-sponsors for their leadership on this bill.

HR 3270 will provide protection for all animal research facilities by engaging federal investigation and enforcement capabilities against acts of sabotage and vandalism which are being committed with increasing frequency against these facilities. We believe that this bill will effectively deter those who would break the law by committing these acts.

If you have not already done so, we urge you to co-sponsor HR 3270. Please do not confuse this bill with HR 3223, a bill with a similar title. That measure does not protect research facilities, but in fact may actually serve to perpetuate the commission of illegal acts against them.

In advance, ACR thanks you for your attention to this critical issue.

Sincerely,

John D. Stobo, M.D.
President



AMERICAN VETERINARY MEDICAL ASSOCIATION

GOVERNMENTAL RELATIONS DIVISION • SUITE 300

1023 FIFTEENTH ST., NW • WASHINGTON, DC 20005 • PHONE: 202/659-2040 • FAX: 202/842-4360

21 August 1989

The Honorable Charles Stenholm
 Chair, Subcommittee on Livestock, Dairy and Poultry
 Committee on Agriculture
 US House of Representatives
 Washington, DC 20515

Dear Mr. Stenholm:

On behalf of the approximately 48,000 members of the American Veterinary Medical Association and the 27 American colleges of veterinary medicine, I would like to commend you for your commitment to American agriculture, animal research and livestock production. The Research and Farm Animal Facilities Protection Act reflects the recognition at the highest levels of government that illegal acts perpetrated in the name of animal rights threaten our nation's farm economy and the research that contributes to the phenomenal productivity of American Agriculture. These illegal acts may also jeopardize the health and welfare of animals that are stolen or "liberated."

Veterinarians are strong proponents of animal welfare. The Veterinarians' Oath affirms our professional commitment to the protection of animal health and the relief of animal suffering. Livestock and poultry producers are also attentive to the welfare of their animals. In the final analysis, it is the health of the producer's animals that determines the success of his or her business. Likewise, the health of research animals ultimately determines the quality of the knowledge produced.

We applaud you, Mr. Chairman and the other cosponsors of this legislation for its introduction. We urge swift passage of the Research and Farm Animal Facilities Protection Act. It is in the best interest of American agriculture. It is in the best interest of the American public. Please count on our support.

Sincerely,

A handwritten signature in black ink that reads "Samuel E. Strahm, DVM".

Samuel E. Strahm, DVM
 President, AVMA

THE UNIVERSITY OF TENNESSEE
MEMPHIS
The Health Science Center



Office of the Provost
62 S. Dunlap

Memphis, Tennessee 38163
(901) 528-5529

August 25, 1989

The Honorable Charles Stenholm
The United States Senate
Washington, DC 20510

Dear Congressman Stenholm:

My colleagues at the Association of American Colleges have advised me that you are considering the introduction of legislation that would make the theft, destruction or unauthorized use of research animals, equipment or data a federal crime. One reason this nation has the leadership position it enjoys in biomedical research is the fact that such research has been fostered by the responsible use of animals. I cannot overemphasize the importance of the protection of that utilization. Therefore, speaking for the University of Tennessee, Memphis, I strongly support your efforts to introduce such legislation, and I urge you to pursue the introduction of that legislation aggressively. Please let me know if there is any way that we can help you.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Bob Summitt".

Robert L. Summitt, M.D.
Provost, UT Memphis
Dean, College of Medicine
Professor of Pediatrics and Anatomy

RLS:082589:dy/6



SOUTHEASTERN BRANCH
AMERICAN ASSOCIATION FOR LABORATORY ANIMAL SCIENCE

October 19, 1989

Representative Charles Stenholm
House of Representatives
U.S. Congress
Washington, D.C. 20515

Dear Representative Stenholm:

I wish to thank you on behalf of the beleaguered Biomedical Research Committee for introducing HR 3270 to provide protection from terrorist tactics by the Animal Rights Movement.

As you are probably aware, biomedical research institutions have been inundated with propaganda campaigns, threats against personnel and property and violent acts. This legislation represents a step in the right direction for congress.

The next step for Congress to consider is an amendment to the Animal Welfare Act to include animal welfare groups and municipal pounds and shelters as agencies that must comply. If they truly are interested in animal welfare, then they cannot reasonably object to being included in the legislation.

Thank you again for your interest in biomedical research.

Sincerely,

M. Michael Swindle, D.V.M.
President

MMS/da



AMERICAN MEDICAL ASSOCIATION

535 NORTH DEARBORN STREET • CHICAGO, ILLINOIS 60610 • PHONE (312) 645-5000 • TWX 910-221-0300

JAMES S. TODD, M.D.
Acting Executive Vice President

March 28, 1990

Honorable Charles W. Stenholm
United States House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

**Re: H.R. 3270--The "Farm Animal
and Research Facilities
Protection Act"**

Dear Mr. Stenholm:

The American Medical Association would like to express support for H.R. 3270--the "Farm Animal and Research Facilities Protection Act."

As you stated in your introductory remarks to H.R. 3270, the true victims of acts of terrorism directed against agricultural and biomedical research institutions are all members of society.

Research involving animals is absolutely essential to maintaining and improving the health of the American people. It is particularly troubling that extremists who disagree with the scientific community on this point resort to dangerous criminal acts even though our nation provides unequalled legal avenues to seek accommodation.

Legislation that would bring to bear the federal criminal justice system against such terroristic individuals is highly appropriate. We commend you for your sponsorship of the "Farm Animal and Research Facilities Protection Act" and we look forward to the enactment of this important measure.

Sincerely,

A handwritten signature in black ink, appearing to read "James S. Todd, M.D."

James S. Todd, M.D.

JST/mjz
5363p

NABR NATIONAL ASSOCIATION FOR BIOMEDICAL RESEARCH

August 2, 1989

The Honorable Charles W. Stenholm
U.S. House of Representatives
Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

ATTN: Stan Ray

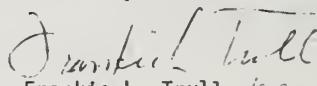
Dear Mr. Stenholm:

The National Association for Biomedical Research applauds your introduction of legislation declaring the destructive crimes against agriculture and research facilities using animals to be federal offenses.

The Association's membership includes more than 350 institutions across the nation -- universities, medical and veterinary schools, teaching hospitals, voluntary health agencies, academic and professional societies, as well as pharmaceutical and other research intensive companies -- all involved with critical research which requires the use of animals. Our members have become increasingly alarmed and threatened by the escalating number of illegal acts committed by extremists in the name of animal rights. These break-ins, arsons, thefts, bombing attempts and threats, destruction of equipment and vandalism are intended to disrupt and stop animal research and production which the vast majority of the American public supports. It is those who would deny humans and other animals the benefits of research who must be stopped.

NABR very much appreciates your leadership and real concern for animals in trying to deter these senseless crimes and protect the public from the consequences of illegal acts of protest. We are anxious to work with you and your staff for swift passage of your important legislation.

Sincerely,


Frankie L. Trull, Pres.
President

FLT/tf



November 22, 1989

Congressman Charles Stenholm
P. O. Box 1101
Abilene, Texas 79604-1101

Dear Congressman Stenholm,

I would like to commend you for the bill that you are initiating regarding the protection of livestock producers. However, I would like to see the bill amended to include Fairs & Expositions, Livestock & Horse Shows and other related events.

I think that those of us in the Fair Industry can be a benefit in educating the general public regarding why certain procedures are taken to maintain animals according to their species. With this in mind we at Los Angeles County Fair put together an exhibit in 1988 and have utilized it the past two years. This display deals with some of the most controversial issues that have taken place with the animal rights groups. I am enclosing a copy of the material on this exhibit and also an animal rights article written by Roger Thacker that appeared in the November issue of the National Wool Growers.

We appreciate your work regarding this issue.

Sincerely,


WILLIAM M. TURNQUIST
Agricultural Manager

WMT/sg

Encl.



California Farm Bureau Federation

1601 Exposition Boulevard • Sacramento, CA 95815 • Telephone (916) 924-4000

July 27, 1989

The Honorable William Dannemeyer
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Dannemeyer:

On behalf of the California Farm Bureau Federation, I am asking for your support of pending legislation affecting farm animal facilities. Senator Helms has just introduced S. 1330, the Farm Facilities Protection Act of 1989. This bill makes it a federal crime to break into a farm or agricultural research facility for the purposes of vandalism, removing animals, or disrupting the activities of the facility. Representatives Stenholm (D-TX) and Madigan (R-IL) intend to introduce similar legislation on the House side.

The House bill will encompass all research, both biomedical and agricultural, as well as protections for farms, ranches, food processors and others engaged in producing animals for food. Farm Bureau policy supports adoption of state and federal laws covering farm/ranch break-ins and raids on research facilities and businesses.

We see a great and immediate need for this legislation; our state's animal agriculture industry has already suffered losses due to actions by extremists in the animal activist movement. In recent history, one is reminded of the multimillion dollar damage to the John E. Thurman Jr. Veterinary Diagnostic Laboratory at the University of California, Davis, in April 1987. Although this is a diagnostic laboratory and not a research laboratory, arsonists sought to disrupt its mission. That mission is to rapidly diagnose infectious, nutritional and toxic disease problems of California's livestock and poultry. Since that incident, numerous other episodes involving stolen or released animals, vandalism, or arson have occurred. Last summer calves were stolen from a Sonoma County farm. The Dixon Livestock Auction Yard suffered \$250,000 in fire damage early this year. The Sacramento offices of the California Cattlemen's Association, Agricultural Council of California, and the California Wool Growers Association sustained \$3000 in property damage that same weekend. In April, the Luce-Carmel Meat Company was vandalized and torched. And, in late May, a molotov cocktail was tossed into the office of the California Cattlemen's Association. These are just a few examples of the activity plaguing California's agriculture. Similar activity also goes on throughout the U.S.

The Honorable William Dannemeyer
July 27, 1989
Page Two

Please give favorable consideration to supporting the House bill
when it is introduced.

Sincerely,



BOB L. VICE
President

BLV:rd

cc: The Honorable Edward Madigan
The Honorable Charles Stenholm
Dean Kleckner, President,
AFBF
John Datt, Executive Director, Washington office,
AFBF
Gregory Carnill, Director of National Affairs,
CFBF



August 25, 1989

The Honorable Charles W. Stenholm
U.S. House of Representatives
Longworth House Office Building #1226
Washington, D.C. 20515

Dear Representative Stenholm:

The Utah Farm Bureau Federation is very pleased with your intention to introduce legislation to make it a federal crime to break into farmed ranches and research facilities for the purpose of disrupting either farming operations with animals or research operations.

This is a significant issue in Utah where mink production is a mainstay and we have already experienced vandalism in both livestock and poultry operations. The Utah Farm Bureau House of Delegates has vigorously condemned this action and has called for remedial legislation to more strictly enforce laws and control this kind of damage.

We urge you to proceed as rapidly as Congress will allow to enact legislation to make such actions a Federal crime.

If we can be of any assistance to you, please don't hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "C. Booth Wallentine".

C. Booth Wallentine
Executive Vice President
and Chief Administrative Officer

**MISSISSIPPI FARM BUREAU FEDERATION**

POST OFFICE BOX 1972 • JACKSON, MISSISSIPPI 39205 • 601-957-3200

DON WALLER
PRESIDENT

August 25, 1989

The Honorable Charles W. Stenholm
United States House of Representatives
Longworth House Office Building
Washington, D. C. 20515

Dear Representative Stenholm:

The Mississippi Farm Bureau Federation commends you for your plans to introduce the Farm Animal and Research Facilities Protection Act of 1989. While our state has been spared of any serious problems by animal rights activists, the potential is there and your proposed legislation would provide much needed protection.

As president of our state's 168,000-member Farm Bureau, I am going to call on our Mississippi Congressional delegation to actively support the enactment of this proposed law.

Sincerely,

Don Waller
President

DAW:is

cc: Mississippi Congressional Delegation

TEXAS VETERINARIAL MEDICAL ASSOCIATION

TVMA

6633 Highway 290 East, Suite 201, Austin, Texas 78723 512/452-4224

October 26, 1989

The Honorable Charles Stenholm
 Chair, Subcommittee on Livestock,
 Dairy and Poultry
 Committee on Agriculture
 U.S. House of Representatives
 Washington, D. C. 20515

Dear Congressman Stenholm:

We recently received information from the American Veterinary Medical Association regarding H.R. 3270, the Research and Farm Animal Facilities Protection Act.

The 2,600 members of the TVMA wish to join with our colleagues throughout America in commending you for your commitment to American agriculture, animal research and livestock production. H.R. 3270 sends a clear message that illegal acts even when perpetrated in the name of animal rights will not be tolerated. Such extremist activities threaten our nation's farm economy and the research that contributes to the phenomenal productivity of American agriculture. These illegal acts also often jeopardize the health and welfare of animals that are stolen or "liberated".

Obviously, veterinarians are among the strongest proponents of humane treatment of all animals. The Veterinarians' Oath affirms our professional commitment to the protection of animal health and the relief of animal suffering. Livestock and poultry producers are also attentive to the welfare of their animals since it is the health of these animals that determines the success of their business. In research, it is equally important that healthy animals, humanely treated, be utilized to obtain accurate results and advance science.

Again, Mr. Chairman, the officers, directors and members of TVMA applaud you. We urge swift passage of the Research and Farm Animals Facilities Protection Act and hope that you will keep us posted on progress.

Please feel free to call on this office if we may be of assistance to you or any of your staff.

Sincerely,

Don

Donald M. Ward
 Executive Director

DMW/dkg

xc: Marcia Brody, AVMA
 Dr. Bill Ard
 Dr. Larry Kornegay



87th Annual Convention • February 2-5, 1990

THE UNIVERSITY OF MICHIGAN
MENTAL HEALTH RESEARCH INSTITUTE

B. W. Agranoff, M.D.
Director (313) 764-4240

S. J. Watson, Jr., M.D., Ph.D.
Associate Director (313) 763-3725

J. F. Greden, M.D.
Chairman, Department
of Psychiatry (313) 763-9629

June 5, 1990

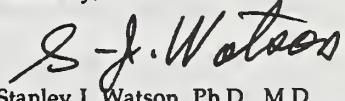
The Honorable Charles Stenholm (D-KS)
US House of Representatives
Washington, DC 20515

Dear Sir,

I wish to express my strong support of HR 3270 (Animal Facilities Protection Bill). It is critical to research efforts, animal safety, public welfare and research personnel, that such facilities be protected from destruction and assault. Massive federal, state and private research funding has gone into the proper use of the facilities. Protection from wanton destruction seems obvious. Please support HR 3270.

Thank you.

Sincerely,


Stanley J. Watson, Ph.D., M.D.
Associate Director and Research Scientist
Mental Health Research Institute
Professor, Department of Psychiatry



August 2, 1989

Honorable Charles W. Stenholm
House Committee on Agriculture
1330 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

It is our understanding that you will introduce this week the Farm Animal and Research Facilities Protection Act to provide federal protection to farmers and researchers from illegal acts. The National Broiler Council commends you for taking a leadership role with regard to this most important legislation.

We offer our full support for this proposed legislation as well as our assurances that we will work with you and your staff to ensure passage of the bill. The protection provided by this legislation is long overdue.

Sincerely,

George B. Watts
George B. Watts
President

gw:fs

Submitted by: Mike Wehler
President
National Pork Producers Council

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to submit public comments on H.R. 3270, the "Animal Facilities Protection Act." The National Pork Producers Council (NPPC) represents 100,000 pork producers and their families in 45 member-affiliate states. NPPC is one of the largest commodity dues paying organizations in the United States and represents over 90 percent of the nation's commercial pork production.

Pork Production and Animal Welfare

The production practices of the U.S. pork industry have changed dramatically since the 1940's. These changes are the result of innovation and technological advances based on extensive research. Pork production has become a highly efficient way to convert feed grains into a quality source of essential nutrients for the human diet.

In 1940, the average litter size born was 9.5, survival to weaning was 70% and it took 3.68 pounds of feed for a pound of gain. Modern swine production units allow 88% survival in litters of 9.9 pigs with a feed conversion rate of 3 lbs. of feed per pound of gain. These improvements in productivity would not have occurred without our producers taking good care of their animals.

Pork producers have also genetically improved their animals resulting in a 50% reduction of fat during the last 30 years. Consumers have been the beneficiaries of these increases in quality and productivity in pork production.

Pork Producers Take Action to Promote Animal Care

NPPC has been sensitive to the development of animal care issues for more than a decade. In fact, we have formed a task force to direct pork producer programs on the animal welfare issue. NPPC has spent approximately \$200,000 in checkoff funds in recent years on research to evaluate and improve industry production practices from a humane standpoint.

More recently, NPPC's voting delegates approved a new swine care handbook. The guidelines contained in this handbook will be used for producer information, education, and self-regulation. Information to enhance the level of management and the quality of facilities in each swine production system will help ensure animal well being.

Producers will continue to seek new ways to improve the welfare of domesticated animals entrusted to their care. They will also continue to provide substantive facts on animal welfare/rights. NPPC has been active in working with other livestock groups to provide the public with factual information to continue to improve the image of animal agriculture.

Animal Welfare Legislation

NPPC opposes any animal welfare legislation that adversely affects domestic farm animal production. While NPPC strongly believes in protecting the welfare of our animals and supports humane care practices, we do not agree with animal welfare extremists who attribute human rights to animals. This is an important distinction -- pork producers believe in working for humane animal welfare priorities, but we do not agree that animals are entitled to human rights.

We have strong reservations about any legislation aimed at regulating humane practices in animal husbandry. Such measures could stifle the development of new technologies and methods that may improve animal care. They would also set an uncalled-for precedent if Congress were to legislate on-farm practices of producing livestock. There are certainly better alternatives to ensure that farmers would continue to manage their animals in a sound and proper manner. Moreover, such legislation would undoubtedly increase the cost of food production, which would be passed on to consumers.

H.R. 3270, The "Animal Facilities Protection Act"

NPPC strongly supports the bill H.R. 3270, which prohibits conduct designed to harm the business, research, or property of a farm animal or research animal facility. We encourage this effort to develop legislation designed to protect producers from

unlawful acts directed against their farm operations or livestock by animal rights activists. We are concerned about the groups of citizens who are opposed to the agricultural use of animals and who will turn to increasingly militant actions to express their views. In addition to the normal hardships such as weather and animal disease borne by the agricultural community, we are now forced to contend with vandalism, arson, liberation of animals and even bomb threats.

Those who commit illegal acts, destruction of property, and vandalism are obviously working contrary to the interest of the general public. The continued availability of our nation's food supply is jeopardized by the actions of these few. Legislation is needed to ensure that food productivity is not disrupted. Because the bill would protect farmers from the destruction of property, loss of animals, and loss of animal life, this bill will help ensure the productive ability of livestock producers.

Terrorist acts against animal research facilities are also contrary to the public interest. The humane use of animals for research is essential for continued biomedical advances. For example, research using monkeys was necessary to eliminate the dreaded disease, polio. Researchers also utilize pig skin as biological dressing capable of providing temporary protection

from infection for burn patients. Heart valves of pigs are the most popularly used substitute for human beings in need of replacement heart valves.

Acts of terrorism against animal research facilities often result in the destruction of invaluable research data and animal test subjects. Loss of these resources could significantly impair researcher's ability to continue to develop new technologies for the benefit of the public.

Apparently, nothing short of eliminating livestock production altogether will satisfy the agenda of the most radical animal rights groups. Those who choose to disrupt lawful agricultural activities through violent means should face legal sanctions that are commensurate to their actions. Obviously, current laws are not deterring acts of violence against producers, researchers, and others who handle animals. Therefore, NPPC strongly supports legislation to strengthen the sanctions against acts of terrorism by animal rights activists. We encourage this legislation that would protect both farmers and researchers by prohibiting conduct that harms animal facilities.

We look forward to working with all parties in developing legislation which balances the interests of animal producers, animal researchers, and humane animal care. We believe this legislation, H.R. 3270, "The Animal Facilities Protection Act", takes a very positive step towards addressing this difficult task.



State University of New York
Health Science Center
Syracuse

College of Medicine

Office of The Dean
(315) 464-4515
Telephone
(315) 464-5564
Fax

May 30, 1990

The Honorable Charlie Stenholm
U.S. House of Representatives
Washington, D.C. 20515-4317

Dear Congressman Stenholm:

I am writing to urge your support for H.R. 3270, the Farm Animals and Research Facilities Protection Act. The bill is scheduled for mark-up on June 14 by the House Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture.

The bill is designed, among other things, to curtail violent attacks on research facilities by those who object to the use of live animals. Certainly, any serious student of the history of medicine in the late nineteenth and the twentieth century would have to conclude that without the contribution of animal research our life expectancies would be shorter and the degree of serious handicaps would be greater. Thus, these violent attacks against institutions may be viewed as attacks on the future public health. This thought aside, an attack on a facility with destruction of property including records of research is just a plain old crime.

Thank you for considering this matter.

Sincerely,

Irwin M. Weiner, M.D.
Dean, College of Medicine

IMW:ba

Committed to Excellence in Professional Education, Patient Care and Research.

College of Medicine

College of Graduate Studies

College of Health Related Professions

College of Nursing

University Hospital

750 East Adams Street, Syracuse, N.Y. 13210



American Heart
Association

Office of
Public Affairs

Dedicated to the reduction of disability
and death from cardiovascular diseases
and stroke.

January 22, 1990

The Honorable Charles Stenholm
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Stenholm:

The American Heart Association (AHA) is dedicated to the reduction of disability and death from cardiovascular diseases and stroke, this Nation's leading cause of death. On behalf of the AHA, its 56 Affiliates, and over 2.7 million volunteers, I commend your leadership in sponsoring H.R. 3270, the "Farm Animal and Research Facilities Protection Act."

Millions of Americans today are alive and healthy because of advances in the prevention and treatment of cardiovascular diseases. The age-adjusted death rates from heart attack, stroke, and related diseases are declining. This decline is largely related to changes in lifestyle and development of methods of treatment, many of which are based upon animal experimentation. As yet, there is no completely satisfactory way to model the extraordinary complexity of the human cardiovascular system. Therefore, development of new knowledge, testing of new drugs, and the refinement of new devices and operations that affect the cardiovascular system require animal experimentation.

The growing number and intensity of illegal attacks against researchers and research facilities which delays, curtails and increases the cost of essential biomedical research, jeopardizing health advances for animals and humans, must be stopped. The AHA applauds and actively supports your efforts to make such acts a Federal crime.

I have written Congressman de la Garza urging him to schedule prompt Agriculture Committee consideration of your legislation. To help you generate additional support for this important bill, the AHA has asked our volunteers nationwide to contact the Representative from their districts to co-sponsor H.R. 3270. We look forward to working with you to gain passage of the "Farm Animal Research Facilities Protection Act."

Sincerely,

Myron Weisfeldt

Myron L. Weisfeldt, M.D.
President



August 28, 1989

The Honorable Charles Stenholm
1226 Longworth Building
Washington, D.C. 20515

Dear Congressman Stenholm:

The Arkansas Farm Bureau would like to express its support for the Farm Animal and Research Facilities Protection Act of 1989. This bill, which would make it a federal crime to break into a farm or agriculture research facility for the purpose of removing animals, vandalism, or disrupting activities of the facility, is much needed.

While this type of activity has not yet been a problem in Arkansas, there is growing concern among the academic community as well as farmers. Research is vital to animal agriculture in Arkansas and the nation. Disruption of critical research programs should not be allowed. Likewise, theft and disruption of private property regardless of the motive is unacceptable.

We support and commend your intention to introduce the Farm Animal and Research Facilities Protection Act of 1989. Your efforts in this area are deeply appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Whisenhunt".

Andrew Whisenhunt
President

AW/wp

**SCHOOL OF
MEDICINE IN SHREVEPORT**
 Louisiana State University
 Medical Center
 1501 Kings Highway
 Post Office Box 33932
 Shreveport, LA 71130-3932
 Telephone: (318) 674-5240



LSUMC

Office of the Dean

February 5, 1990

Charles W. Stenholm
 United States Congressman
 United States Congress
 1226 Longworth Building
 Washington, D.C. 20515

Dear Representative Stenholm:

As a participant in the recent symposium on Rural Health Care in America, I should like to thank you for your excellent comments. I should also like to thank you for the leadership that you have displayed in fighting back against the so-called animal rights' movement. Your legislation is an important step in protecting our nation against the terrorists that are at work within our border.

You may be interested to know that similar legislation was passed by the state of Louisiana during its last legislative session in 1989. The legislation was authored by Representative Alphonse Jackson from Shreveport and was patterned after the bills considered in the Congress.

We must win the fight against the "animal rights' terrorists." Your leadership is an important part of that process.

With all good wishes.

Sincerely yours,

Darryl McWilliams
 Darryl McWilliams, M.D.
 Dean

DMW:jr

Southwest Foundation for Biomedical Research

West Loop 410 at Military Drive
P.O. Box 28147
San Antonio, Texas 78284
(512) 674-1410

Office of the President

September 20, 1989

The Honorable Kika de la Garza
House of Representatives
1401 Longworth House Office Building
Washington, DC 20515

Dear Representative de la Garza:

As president of one of our nation's foremost biomedical research institutions, I am writing to thank you for your early co-sponsorship of H.R. 3220, the "Farm Animal Facility Research Protection Act of 1989."

As you know, virtually all medical advances in the past century have been based to some degree on animal research. A few examples of these advances are: the development of coronary bypass surgery, medication to control high blood pressure, insulin to manage diabetes, and chemotherapy to combat cancer. Such diseases as polio and smallpox have been virtually eliminated because of animal research.

Research using animals is essential to the search for prevention, cure, and treatment of such other medical conditions as Alzheimer's disease and, of course, AIDS, in which the Southwest Foundation is one of the international leaders.

In recent years, extremists in the "animal rights" movement in this country increasingly have used illegal and terrorist means in their efforts to stop all research involving animals. These people have broken into laboratories, stolen animals, and destroyed data, equipment, and records. By making federal offenses out of such criminal acts, H.R. 3270 will bring federal investigative and enforcement capabilities to bear against research sabotage which threatens our nation's health.

This legislation will not inhibit responsible criticism lodged through lawful channels, but will help to deter those who break the law in the name of "animal rights." Thank you for joining your colleagues on the Agriculture Committee in protecting essential medical research and the laboratory animals which it requires.

The Honorable Kika de la Garza

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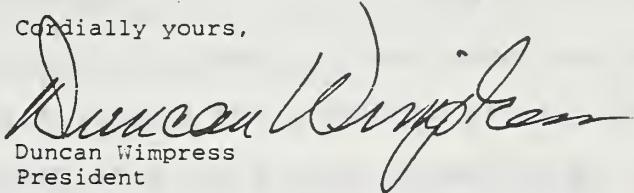
September 20, 1989

I'm sure I need not mention that Mr. Stenholm's bill (H.R. 3270) should not be confused with Charlie Rose's bill (H.R. 3223) which has a similar title. Mr. Rose's bill does not protect research, but will have the effect of encouraging and rewarding criminal acts against the medical research community. H.R. 3223, in my opinion, does not deserve your support.

My thanks, again, for your meaningful support of responsible use of animals in medical research. Generations of Americans will lead healthier lives in years ahead because of your thoughtful leadership.

If there is further information I can provide or any way in which I may serve you here in San Antonio at any time in the future, please be sure to let me know.

Cordially yours,



Duncan Wimpress
President

DW/yf

cc: The Honorable Edward R. Madigan
The Honorable Charles W. Stenholm
House Agriculture Committee
National Association for Biomedical Research

BY BOYD E. WOLFF, SECRETARY OF AGRICULTURE
COMMONWEALTH OF PENNSYLVANIA

Chairman Brown, ladies and gentlemen. I want to thank you for this opportunity to share with you some of our experience in Pennsylvania in regards to the agricultural community and animal rights activities.

My name is Boyd Wolff. I am Pennsylvania's Secretary of Agriculture under Governor Robert P. Casey. Before joining Governor Casey's Cabinet I was a dairy farmer in Westmoreland County, Pennsylvania, just east of Pittsburgh.

The issue of animal rights has been brought to the public's attention through vandalism, bombings, and threats against both family farmers and medical researchers. While proponents of animal rights may feel they have noble intentions, I believe farmers have a proven track record, as well as a vested interest, in taking the best possible care of their animals. It is economic nonsense for people who raise animals for their livelihood to use poor methods of nutrition, housing, and care.

To protect farmers against zealots who act to further their cause, Pennsylvania enacted legislation creating the offense of agricultural vandalism. Governor Casey signed this legislation into law in 1988.

The Commonwealth of Pennsylvania supports the passage of similar legislation at the federal level. Congressman Stenholm's proposed legislation is a step in the right direction, however, we feel it could be strengthened by enacting tougher penalties than those included.

Our own agricultural vandalism law defines agricultural vandalism as the offense of a person who "intentionally or recklessly defaces, marks or otherwise damages the real or tangible personal property of another."

Depending on the degree of damage perpetrated, agricultural vandalism ranges from being a third degree misdemeanor for pecuniary loss to a felony of the third degree if the loss is in excess of \$5,000.

Animal rights activists have vandalized farm operations and research facilities in pursuit of their cause. Veal and poultry operations in particular have been targets of their acts. Animals have been released, slogans have been painted on walls, and equipment has been destroyed.

Tough penalties send the message to animal rights activists that the destruction of property and invasion of other peoples lives and livelihoods are not justifiable actions.

In our opinion, animal rights activists are not advocating the humane treatment of animals. Instead, they advocate the total non-use of animals. They say all farmers mistreat their animals. This is simply not true.

In fact, with only a single exception during my three and a half years as Pennsylvania's Secretary of Agriculture, every case of animal abuse reported to my office involved pet owners. Most of these people did not intend to abuse their

animals. But, unlike farmers, they had never learned the proper ways to take care of the animals they bought.

I agree with U.S. Health and Human Services Secretary Louis Sullivan in his criticism of the efforts to end medical research with animals -- "these people are on the wrong side of morality."

Therefore, I am asking you, on behalf of Pennsylvania's largest industry, to unreservedly condemn the use of violence and intimidation which has been funded by many animal rights organizations by enacting H. R. 3270, and including stiff penalties to deter these crimes.

Thank you again for the opportunity to comment on this proposal. I will be glad to answer any questions that the Members of the Subcommittee may have.

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September 6, 1989

4020 BARRETT DRIVE • SUITE 102
RALEIGH, NORTH CAROLINA 27609 • TELEPHONE (919) 783-8218

Honorable Charles W. Stenholm
House Committee on Agriculture
1330 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Stenholm:

The North Carolina Poultry Federation has been informed that you have introduced in the U.S. House of Representatives the Farm Animal and Research Facilities Protection Act to provide federal protection to farmers and researchers from illegal acts. We are very appreciative of you doing this and commend you for taking a major role in this timely legislation.

Senator Jesse Helms has sent us a copy of his legislation that was introduced in the Senate. Obviously, we support both pieces of legislation and will do what we can to see that the bills are passed.

If the North Carolina Poultry Federation membership can be of assistance to you with regard to the passage of this legislation, please advise.

Sincerely,

Ed Woodhouse
Executive Director

EW/bb

"We're No. 1... North Carolina's Largest Agriculture Commodity"
"THE STATE'S LARGEST FOOD INDUSTRY"

UNIVERSITY OF CALIFORNIA, LOS ANGELES

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DEPARTMENT OF PHYSIOLOGY
 UCLA SCHOOL OF MEDICINE
 CENTER FOR THE HEALTH SCIENCES
 10833 LE CONTE AVENUE
 LOS ANGELES, CALIFORNIA 90024-1751

October 3, 1989

The Honorable Charles Stenholm
 Rayburn House Office Building
 Washington, DC 20515-0528

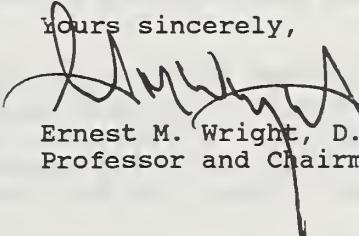
Dear Mr. Stenholm:

I am writing to thank you and your colleagues for sponsoring H.R. 3270, "The Farm Animal and Research Facilities Protection Act of 1989."

In the last two years, both our research and teaching here at UCLA have been disturbed on a number of occasions by break-ins by animal rights activists. In one recent case, demonstrators surrounded a professor's home, taunting the family for several hours. Though our losses have not been as great as those at the University of Arizona and Texas Tech University, much time and money have been wasted attempting to protect our animals, research projects, and faculty.

I will urge our California Representatives to cosponsor H.R. 3270, if they have not already done so.

Yours sincerely,


 Ernest M. Wright, D.Sc.
 Professor and Chairman

EW:dh

The
George
Washington
University
WASHINGTON DC

ANIMAL RESEARCH FACILITY

June 1, 1990

Rep. Charlie Stenholm
Member, House AG DORFA Subcommittee
U.S. House of Representatives
Washington, DC 20515-4317

Dear Mr. Stenholm:

It is my understanding that the House Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture will mark-up H.R. 3270, the "Farm Animals and Research Facilities Protection Act," on June 14. As Director of the Animal Research Facility at the George Washington University, I am writing to encourage you to approve this bill.

Essentially all of the medical breakthroughs of this century are based on research involving animals. Research using animals is our best hope in continuing to understand and conquer such fatal illnesses as cancer, heart disease, and AIDS. Unfortunately, some groups opposed to animal research have resorted to violent acts such as burning buildings, destroying equipment and data, and making personal threats of harm to researchers and their families. H.R. 3270 would make such actions a federal offense and punishable accordingly.

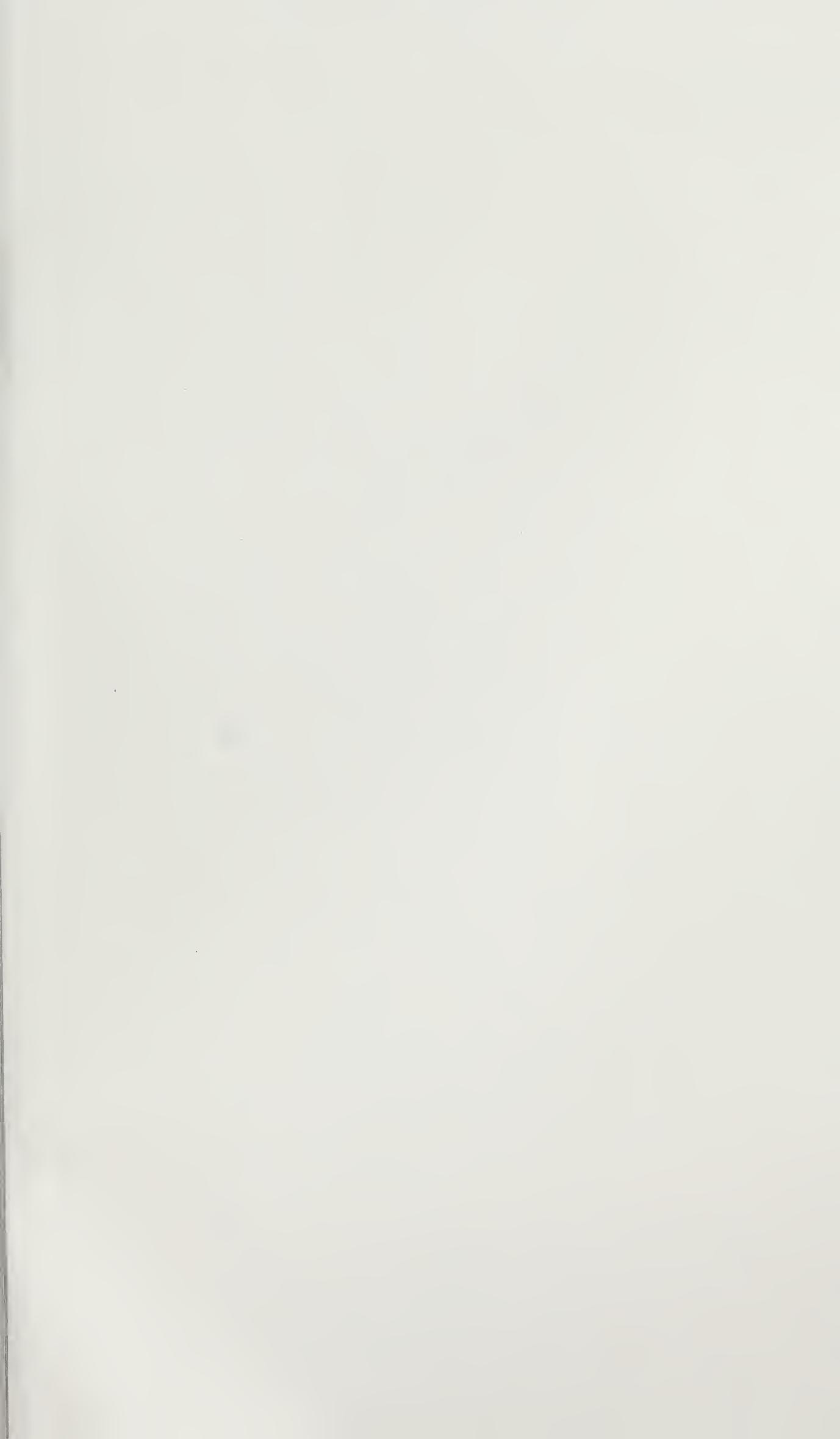
On behalf of the George Washington University Medical Center, I urge you to approve H.R. 3270 and send a strong message that the humane use of animals in research is public policy and that violent, terrorist-style activity against such animal use will no longer be tolerated. Thank you for considering my views.

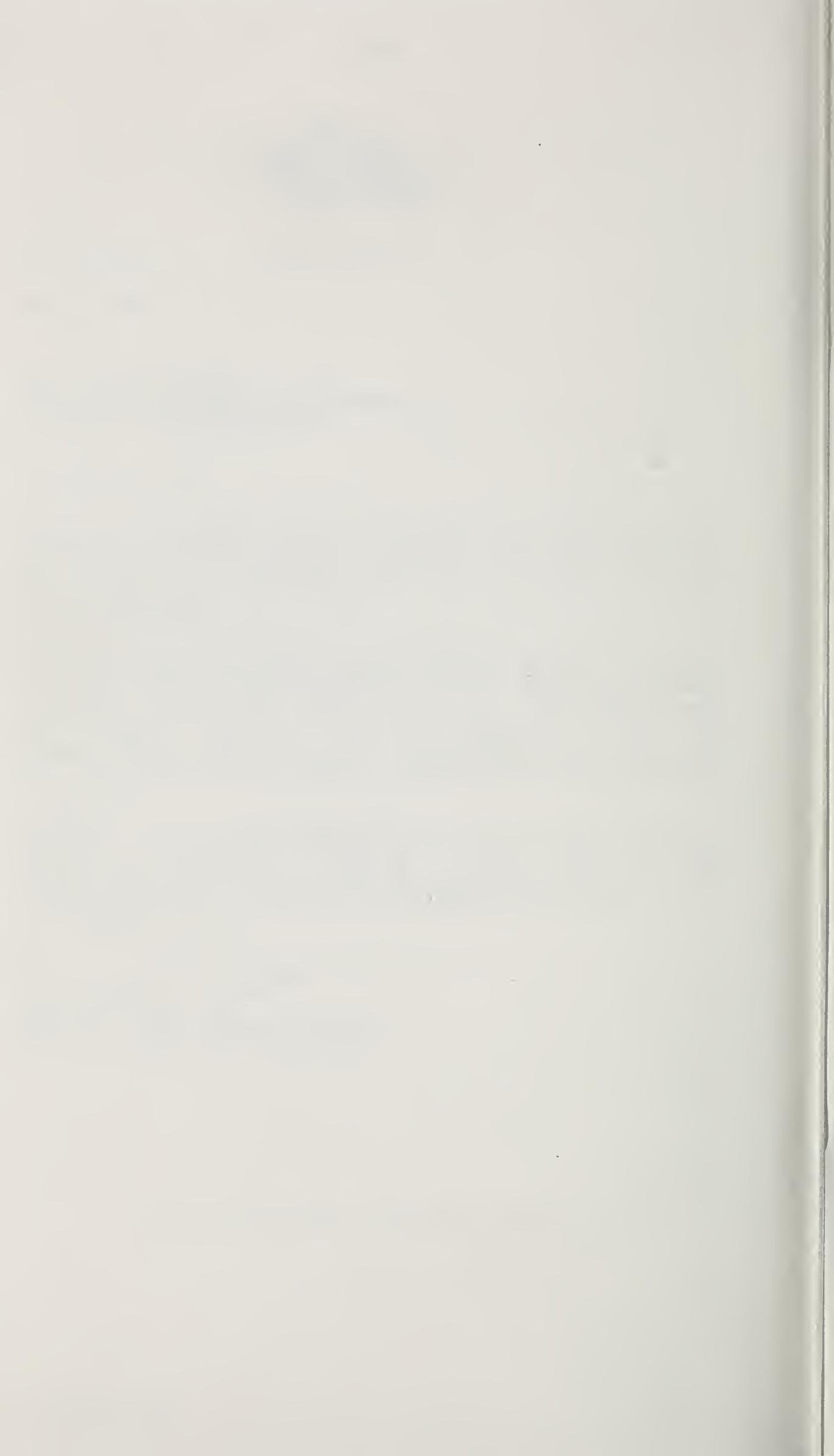
Very Sincerely Yours,

Bernard C. Zook
Bernard C. Zook, DVM
Director, Animal Research Facility
The George Washington University

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